

Legislative Bill Drafting Commission  
12024-09-1

IN SENATE

Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship  
of this proposal

s20 Adams	s44 Parley	s58 Kennedy	s18 Montgomery	s23 Savino
s15 Addabbo	s02 Flanagan	s34 Klein	s54 Nozzolio	s28 Serrano
s55 Alesi	s08 Fuschillo	s26 Krueger	s53 O'Mara	s51 Seward
s11 Avella	s59 Gallivan	s27 Kruger	s37 Oppenheimer	s09 Skelos
s40 Ball	s12 Gianaris	s24 Lanza	s21 Parker	s14 Smith
s42 Bonacic	s22 Golden	s39 Larkin	s13 Peralta	s25 Squadron
s46 Breslin	s47 Griffo	s01 LaValle	s30 Perkins	s16 Stavisky
s38 Carlucci	s60 Grisanti	s52 Libous	s61 Ranzenhofer	s35 Stewart-
s50 DeFrancisco	s06 Hannon	s45 Little	s48 Ritchie	Cousins
s32 Diaz	s36 Hassell-	s05 Marcellino	s33 Rivera	s49 Valesky
s17 Dilan	Thompson	s07 Martins	s56 Robach	s57 Young
s29 Duane	s10 Huntley	s62 Maziarz	s41 Saland	s03 Zeldin
s31 Espallat	s04 Johnson	s43 McDonald	s19 Sampson	

S. \_\_\_\_\_  
Senate  
\_\_\_\_\_

IN SENATE--Introduced by Sen

--read twice and ordered printed,  
and when printed to be committed  
to the Committee on

----- A.  
Assembly  
-----

IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the  
Committee on

\*RETISSIA\*

(Relates to reforming the New York  
state pension systems & the New York  
city pension systems)

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R & SS. pension ret system

AN ACT

to amend the retirement and social  
security law, the education law and  
the administration code of the city  
of New York, in relation to persons  
joining the New York state and local  
retirement system, the New York  
state teachers' retirement system,  
the New York city employees' retire-  
ment system, the New York city  
teachers' retirement system, the New  
York city board of education retire-  
ment system, the New York city  
police pension fund, or the New York

IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the  
multi-sponsorship of this proposal:

a049 Abbate	a107 Crouch	a095 Jaffee	a038 Miller, M.	a012 Saladino
a092 Abinanti	a014 Curran	a057 Jeffries	a052 Millman	a113 Sayward
a105 Amedore	a063 Cusick	a135 Johns	a103 Molinaro	a029 Scarborough
a084 Arroyo	a045 Cymbrowitz	a112 Jordan	a015 Montesano	a016 Schimel
a035 Aubry	a034 DenDekker	a099 Katz	a132 Morelle	a140 Schimminger
a124 Barclay	a081 Dinowitz	a074 Kavanagh	a039 Moya	a145 Schroeder
a040 Barron	a114 Duprey	a065 Kellner	a003 Murray	a064 Silver
a082 Benedetto	a004 Englabright	a100 Kirwan	a037 Nolan	a036 Simotas
a073 Bing	a071 Farrell	a129 Kolb	a128 Oaks	a146 Smardz
a122 Blankenbush	a123 Pinch	a025 Lancman	a069 O'Donnell	a093 Spano
a055 Boyland	a007 Fitzpatrick	a091 Latimer	a051 Ortiz	a079 Stevenson
a008 Boyle	a137 Friend	a013 Lavine	a136 Palmesano	a011 Sweeney
a026 Braunstein	a143 Gabryszak	a050 Lentol	a088 Paulin	a110 Tedisco
a044 Brennan	a090 Galef	a125 Lifton	a141 Peoples-	a115 Tenney
a131 Bronson	a133 Gantt	a072 Linares	Stokes	a002 Thiele
a046 Brook-Krasny	a077 Gibson	a127 Lopez, P.	a058 Perry	a061 Titone
a147 Burling	a149 Giglio	a053 Lopez, V.	a087 Pretlow	a031 Titus
a117 Butler	a066 Glick	a001 Losquadro	a021 Ra	a062 Tobacco
a101 Cabilli	a150 Goodell	a126 Lupardo	a097 Rabbitt	a041 Weinstein
a096 Calhoun	a075 Gottfried	a111 Magee	a009 Raia	a020 Weisenberg
a043 Camara	a005 Graf	a120 Magnarelli	a006 Ramos	a024 Weprin
a106 Canestrari	a098 Gunther	a059 Maisel	a134 Reilich	a070 Wright
a089 Castelli	a130 Hanna	a060 Malliotakis	a109 Reilly	a094 Zebrowski
a086 Castro	a139 Hawley	a030 Markey	a078 Rivera, J.	a023
a138 Ceretto	a148 Hayes	a019 McDonough	a080 Rivera, N.	a027
a033 Clark	a083 Heastie	a104 McReny	a076 Rivera, P.	a054
a047 Colton	a028 Hevesi	a017 McKevitt	a119 Roberts	a116
a010 Conte	a048 Hiskind	a108 McLaughlin	a056 Robinson	
a032 Cook	a018 Hooper	a022 Meng	a068 Rodriguez	
a142 Corwin	a144 Hoyt	a121 Miller, D.	a067 Rosenthal	
a085 Crespo	a042 Jacobs	a102 Miller, J.	a118 Russell	

1) Single House Bill (introduced and printed separately in either or both  
houses). Uni-Bill (introduced simultaneously in both houses and printed as one  
bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2 signed  
copies of bill and 4 copies of memorandum in support (single house); or 4 signed  
copies of bill and 8 copies of memorandum in support (uni-bill).

06/08/11

2

12024-09-1

city fire pension fund on or after  
July 1, 2011

The People of the State of New  
York, represented in Senate and  
Assembly, do enact as follows:

1 Section 1. Paragraph 1 of subdivision j of section 41 of the retire-  
2 ment and social security law, as amended by chapter 397 of the laws of  
3 2009, is amended to read as follows:

4 1. In addition to any other service credit to which he or she is enti-  
5 tled, a member who meets the requirements set forth in paragraphs two  
6 and three of this subdivision shall be granted one day of additional  
7 service credit for each day of accumulated unused sick leave which he or  
8 she has at time of retirement for service, but such credit shall not (a)  
9 exceed one hundred sixty-five days, (b) be considered in meeting any  
10 service or age requirements prescribed in this chapter, and (c) be  
11 considered in computing final average salary. However, for an executive  
12 branch member designated managerial or confidential pursuant to article  
13 fourteen of the civil service law or in the collective negotiating units  
14 established by article fourteen of the civil service law designated the  
15 professional, scientific and technical services unit, the rent regu-  
16 lation services negotiating unit, the security services negotiating  
17 unit, the security supervisors negotiating unit, the state university  
18 professional services negotiating unit, the administrative services  
19 negotiating unit, the institutional services negotiating unit, the oper-  
20 ational services negotiating unit and the division of military and naval  
21 affairs negotiating unit such service credit limitation provided in  
22 subparagraph (a) of this paragraph shall not exceed two hundred days.  
23 For a nonjudicial officer or employee of the unified court system not in  
24 a collective negotiating unit or in a collective negotiating unit speci-  
25 fied in section one of chapter two hundred three of the laws of two  
26 thousand four, for employees of the New York state dormitory authority,  
27 for employees of the New York state thruway authority, the New York  
28 state canal corporation and the state university construction fund and

1 for employees of the New York liquidation bureau such service credit  
2 limitation provided in subparagraph (a) of this paragraph shall not  
3 exceed two hundred days. Members who first become members of the New  
4 York state and local employees' retirement system or the New York state  
5 teachers' retirement system on or after July first, two thousand eleven,  
6 shall not be granted any additional service credit for unused sick  
7 leave.

8 § 2. Subdivisions a and b of section 376 of the retirement and social  
9 security law, subdivision a as amended by chapter 389 of the laws of  
10 1998 and subdivision b as amended by chapter 371 of the laws of 1969,  
11 are amended to read as follows:

12 a. A member who discontinues service other than by death or retire-  
13 ment:

14 1. who has credit for at least five years of total service, or twelve  
15 years of service for a member who first becomes a member of the New York  
16 state and local police and fire retirement system on or after July  
17 first, two thousand eleven, or

18 2. who has credit for at least five years of total service, or twelve  
19 years of service for a member who first becomes a member of the New York  
20 state and local police and fire retirement system on or after July  
21 first, two thousand eleven, including a minimum of five years of member  
22 service during which the member contributed to the system and/or partic-  
23 ipated in an increased-take-home-pay or non-contributory plan, and who  
24 does not withdraw his or her accumulated contributions, shall be enti-  
25 tled to make application pursuant to section three hundred seventy of  
26 this article for a vested retirement allowance to be effective on or  
27 after the first day of the month following his or her attainment of  
28 sixty years of age, or sixty-five years of age for a member who first



1 becomes a member of the New York state and local police and fire retire-  
2 ment system on or after July first, two thousand eleven. The retirement  
3 allowance provided by this section shall vest automatically upon such  
4 discontinuance of service by such member.

5 3. In the case of such a member who discontinues service other than by  
6 death or retirement after March thirty-first, nineteen hundred sixty-  
7 six, who had been contributing toward and/or participating in an  
8 increased-take-home-pay or non-contributory plan for retirement on a  
9 basis other than retirement at age sixty for five years preceding his or  
10 her discontinuance of service, he or she shall be entitled to make  
11 application for a vested retirement allowance to be effective on or  
12 after the first day of the month following his or her attainment of  
13 fifty-five years of age, or sixty-five years of age for a member who  
14 first becomes a member of the New York state and local police and fire  
15 retirement system on or after July first, two thousand eleven.

16 b. The vested retirement allowance shall be computed and paid in  
17 accordance with the provisions of the plan of which the member had been  
18 a participant provided, however, that if the service fraction used to  
19 compute the retirement allowance or the pension provides a benefit  
20 greater than that which would have been provided had the service frac-  
21 tion one-sixtieth been used to compute the benefit, the service fraction  
22 one-sixtieth shall be used to compute the vested retirement allowance  
23 unless such plan shall specify another fraction to be used to compute  
24 the vested retirement allowance. The vested retirement allowance shall  
25 not be paid before the member attains age fifty-five, or sixty-five  
26 years of age for a member who first becomes a member of the New York  
27 state and local police and fire retirement system on or after July  
28 first, two thousand eleven.

1 § 2-a. Subdivision e of section 440 of the retirement and social secu-  
2 rity law, as added by chapter 285 of the laws of 1997, is amended to  
3 read as follows:

4 e. Notwithstanding any other provision of law to the contrary, the  
5 provisions and limitations of this article shall apply, as may be appro-  
6 priate, to all investigator members of the New York city employees'  
7 retirement system who last joined such retirement system on or after  
8 July first, nineteen hundred seventy-six, and prior to the effective  
9 date of the chapter of the laws of two thousand eleven which amended  
10 this subdivision.

11 § 3. Subdivisions 5, 7, 12, 17 and 24 of section 501 of the retirement  
12 and social security law as added by chapter 890 of the laws of 1976,  
13 subdivision 7 as amended by chapter 408 of the laws of 2000 and subdivi-  
14 sion 24 as amended by section 1 of part B of chapter 504 of the laws of  
15 2009, are amended to read as follows:

16 5. "Early retirement age" shall mean age fifty-five, for general  
17 members, and the age on which a member completes or would have completed  
18 twenty years of service, for police/fire members, New York city  
19 uniformed correction/sanitation revised plan members and investigator  
20 revised plan members.

21 7. "Eligible beneficiary" for the purposes of section five hundred  
22 nine of this article shall mean the following persons or classes of  
23 persons in the order set forth: (a) a surviving spouse who has not  
24 renounced survivorship rights in a separation agreement, until remar-  
25 riage, (b) surviving children until age twenty-five, (c) dependent  
26 parents, determined under regulations promulgated by the comptroller,  
27 (d) any other person who qualified as a dependent on the final federal  
28 income tax return of the member or the return filed in the year imme-

1 diately preceding the year of death, until such person reaches twenty-  
2 one years of age and (e) with respect to members of the New York city  
3 employees' retirement system (other than a New York city uniformed  
4 correction/sanitation revised plan member or an investigator revised  
5 plan member) and the board of education retirement system of the city of  
6 New York, a person whom the member shall have nominated in the form of a  
7 written designation, duly acknowledged and filed with the head of the  
8 retirement system for the purpose of section five hundred eight of this  
9 article. In the event that a class of eligible beneficiaries consists of  
10 more than one person, benefits shall be divided equally among the  
11 persons in such class. For the purposes of section five hundred eight  
12 the term "eligible beneficiary" shall mean such person as the member  
13 shall have nominated to receive the benefits provided in this article.  
14 To be effective, such a nomination must be in the form of a written  
15 designation, duly acknowledged and filed with the head of the retirement  
16 system for this specific purpose. In the event such designated benefici-  
17 ary does not survive him, or if he shall not have so designated a bene-  
18 ficiary, such benefits shall be payable to the deceased member's estate  
19 or as provided in section one thousand three hundred ten of the surro-  
20 gate's court procedure act.

21 12. "General member" shall mean a member subject to the provisions of  
22 this article who is not a police/fire member, a New York city uniformed  
23 correction/sanitation revised plan member or an investigator revised  
24 plan member.

25 17. "Normal retirement age" shall be age sixty-two, for general  
26 members, and the age at which a member completes or would have completed  
27 twenty-two years of service, for police/fire members, New York city



1 uniformed correction/sanitation revised plan members and investigator  
2 revised plan members.

3 24. "Wages" shall mean regular compensation earned by and paid to a  
4 member by a public employer, except that for members who first join the  
5 state and local employees' retirement system on or after January first,  
6 two thousand ten, overtime compensation paid in any year in excess of  
7 the overtime ceiling, as defined by this subdivision, shall not be  
8 included in the definition of wages. "Overtime compensation" shall mean,  
9 for purposes of this section, compensation paid under any law or policy  
10 under which employees are paid at a rate greater than their standard  
11 rate for additional hours worked beyond those required, including  
12 compensation paid under section one hundred thirty-four of the civil  
13 service law and section ninety of the general municipal law. The "over-  
14 time ceiling" shall mean fifteen thousand dollars per annum on January  
15 first, two thousand ten, and shall be increased by three percent each  
16 year thereafter. For the purpose of calculation a member's primary  
17 federal social security retirement or disability benefit, wages shall,  
18 in any calendar year, be limited to the portion of the member's wages  
19 which would be subject to tax under section three thousand one hundred  
20 twenty-one of the internal revenue code of nineteen hundred fifty-four,  
21 or any predecessor or successor provision relating thereto, if such  
22 member was employed by a private employer. For members who first become  
23 members of the New York state and local employees' retirement system on  
24 or after the effective date of the chapter of the laws of two thousand  
25 eleven which amended this subdivision, and for New York city police/fire  
26 revised plan members, New York city uniformed correction/sanitation  
27 revised plan members and investigator revised plan members, the follow-  
28 ing items shall not be included in the definition of wages: (a) overtime

1 compensation paid under any law or policy under which employees are paid  
2 at a rate greater than their standard rate for additional hours beyond  
3 that required, including section one hundred thirty-four of the civil  
4 service law and section ninety of the general municipal law, (b) wages  
5 in excess of the annual salary paid to the governor pursuant to section  
6 three of article four of the state constitution, (c) lump sum payments  
7 for deferred compensation, sick leave, accumulated vacation or other  
8 credits for time not worked, (d) any form of termination pay and (e) any  
9 additional compensation paid in anticipation of retirement.

10 § 3-a. Section 501 of the retirement and social security law is  
11 amended by adding three new subdivisions 25, 26 and 27 to read as  
12 follows:

13 25. "New York city uniformed correction/sanitation revised plan  
14 member" shall mean a member who becomes subject to the provisions of  
15 this article on or after July first, two thousand eleven, and who is a  
16 member of either the uniformed force of the New York city department of  
17 correction or the uniformed force of the New York city department of  
18 sanitation.

19 26. "New York city police/fire revised plan member" shall mean a  
20 police/fire member who becomes subject to the provisions of this article  
21 on or after July first, two thousand eleven, and who is a member of  
22 either the New York city police pension fund or the New York city fire  
23 department pension fund.

24 27. "Investigator revised plan member" shall mean an investigator  
25 member of the New York city employees' retirement system who is a police  
26 officer as defined in paragraph (q) of subdivision thirty-four of  
27 section 1.20 of the criminal procedure law, and who becomes subject to

1 the provisions of this article on or after July first, two thousand  
2 eleven.

3 § 4. Subdivisions a and b of section 502 of the retirement and social  
4 security law, as amended by section 2 of part B of chapter 504 of the  
5 laws of 2009, are amended to read as follows:

6 a. A member who first joins a public retirement system of this state  
7 on or after June thirtieth, nineteen hundred seventy-six shall not be  
8 eligible for service retirement benefits hereunder until such member has  
9 rendered a minimum of five years of creditable service after July first,  
10 nineteen hundred seventy-three, except that a member who first joins the  
11 New York state and local employees' retirement system on or after Janu-  
12 ary first, two thousand ten shall not be eligible for service retirement  
13 benefits pursuant to this article until such member has rendered a mini-  
14 mum of ten years of credited service. A member who first becomes a  
15 member of the New York state and local employees' retirement system on  
16 or after July first, two thousand eleven shall not be eligible for  
17 service retirement benefits pursuant to this article until such member  
18 has rendered a minimum of twelve years of credited service.

19 b. A member who previously was a member of a public retirement system  
20 of this state shall not be eligible for service retirement benefits  
21 hereunder until such member has rendered a minimum of five years of  
22 service which is creditable pursuant to section five hundred thirteen of  
23 this article. A member who first joins the New York state and local  
24 employees' retirement system on or after January first, two thousand ten  
25 shall not be eligible for service retirement benefits pursuant to this  
26 article until such member has rendered a minimum of ten years of credit-  
27 ed service. A member who first becomes a member of the New York state  
28 and local employees' retirement system on or after July first, two thou-

1 sand eleven shall not be eligible for service retirement benefits pursu-  
2 ant to this article until such member has rendered a minimum of twelve  
3 years of credited service.

4 § 5. Subdivisions a, c and d of section 503 of the retirement and  
5 social security law, as added by chapter 890 of the laws of 1976, subdi-  
6 vision a as amended by chapter 662 of the laws of 1988, and subdivision  
7 c as amended by section 143 of subpart B of part C of chapter 62 of the  
8 laws of 2011, are amended to read as follows:

9 a. The normal service retirement benefit specified in section five  
10 hundred four of this article shall be payable to general members, other  
11 than elective members, who have met the minimum service requirements  
12 upon retirement and attainment of age sixty-two, provided, however, a  
13 general member who is a peace officer employed by the unified court  
14 system or a member of a teachers' retirement system may retire without  
15 reduction of his or her retirement benefit upon attainment of at least  
16 fifty-five years of age and completion of thirty or more years of  
17 service. For members who become members of the New York state and local  
18 employees' retirement system on or after July first, two thousand elev-  
19 en, the normal service retirement benefits specified in section five  
20 hundred four of this article shall be payable to general members, other  
21 than elective members, who have met the minimum service requirements  
22 upon retirement and attainment of age sixty-five.

23 c. A general member shall be eligible for early service retirement at  
24 age fifty-five with five years of credited service. A general member in  
25 the uniformed correction force of the New York city department of  
26 correction, who is not eligible for early service retirement pursuant to  
27 subdivision c of section five hundred four-a of this article or subdivi-  
28 sion c of section five hundred four-b of this article or subdivision c

1 of section five hundred four-d of this article, or a general member in  
2 the uniformed personnel in institutions under the jurisdiction of the  
3 department of corrections and community supervision, as defined in  
4 subdivision i of section eighty-nine of this chapter or serving in  
5 institutions who is also in a title defined in such subdivision and who  
6 has made an election pursuant to the provisions of article seventeen of  
7 this chapter, shall also be eligible for early service retirement after  
8 twenty-five years of credited service, provided, however, that the  
9 provisions of this subdivision and subdivision a of this section shall  
10 not apply to a New York city uniformed correction/sanitation revised  
11 plan member or an investigator revised plan member.

12 d. The normal service retirement benefit specified in section five  
13 hundred five shall be paid to police/fire members, New York city  
14 uniformed correction/sanitation revised plan members and investigator  
15 revised plan members without regard to age upon retirement after twen-  
16 ty-two years of service. Early service retirement shall be permitted  
17 upon retirement after twenty years of credited service or attainment of  
18 age sixty-two, provided, however, that New York city police/fire revised  
19 plan members, New York city uniformed correction/sanitation revised plan  
20 members and investigator revised plan members shall not be eligible to  
21 retire for service prior to the attainment of twenty years of credited  
22 service.

23 § 6. Subdivisions a, c and d of section 504 of the retirement and  
24 social security law, subdivision a as added by chapter 890 of the laws  
25 of 1976, subdivision c as amended by section 3 of part B of chapter 504  
26 of the laws of 2009, and subdivision d as amended by section 144 of  
27 subpart B of part C of chapter 62 of the laws of 2011, are amended to  
28 read as follows:

1 a. The service retirement benefit for general members at normal  
2 retirement age with twenty or more years of credited service shall be a  
3 pension equal to one-fiftieth of final average salary times years of  
4 credited service, not in excess of thirty years, less fifty percent of  
5 the primary social security retirement benefit as provided in section  
6 five hundred eleven of this article. The service retirement benefit for  
7 general members who first become members of the New York state and local  
8 employees' retirement system on or after July first, two thousand eleven  
9 at normal retirement age shall be a pension equal to one-sixtieth of  
10 final average salary times years of credited service, not in excess of  
11 thirty years.

12 c. The early service retirement benefit for general members, except  
13 for general members whose early retirement benefit is specified in  
14 subdivision d of this section, shall be the service retirement benefit  
15 specified in subdivision a or b of this section, as the case may be,  
16 without social security offset, reduced by one-fifteenth for each of the  
17 first two years by which early retirement precedes age sixty-two, plus a  
18 further reduction of: (1) one-thirtieth; or (2) one-twentieth for  
19 members who first join the New York state and local employees' retire-  
20 ment system on or after January first, two thousand ten, for each year  
21 by which early retirement precedes age sixty. At age sixty-two, the  
22 benefit shall be reduced by fifty percent of the primary social security  
23 retirement benefit, as provided in section five hundred eleven of this  
24 article. The provisions of this subdivision shall not apply to members  
25 who first become members of the New York state and local employees'  
26 retirement system on or after July first, two thousand eleven.

27 d. The early service retirement benefit for general members in the  
28 uniformed correction force of the New York city department of

1 correction, who are not entitled to an early service retirement benefit  
2 pursuant to subdivision c of section five hundred four-a of this article  
3 or subdivision c of section five hundred four-b of this article or  
4 subdivision c of section five hundred four-d of this article, or for  
5 general members in the uniformed personnel in institutions under the  
6 jurisdiction of the department of corrections and community supervision,  
7 as defined in subdivision i of section eighty-nine of this chapter,  
8 shall be a pension equal to one-fiftieth of final average salary times  
9 years of credited service at the completion of twenty-five years of  
10 service, but not in excess of fifty percent of final average salary,  
11 provided, however, that the provisions of this section shall not apply  
12 to a New York city uniformed correction/sanitation revised plan member.

13 § 6-a. Subdivision b of section 504-a of the retirement and social  
14 security law is amended by adding a new paragraph 4-a to read as  
15 follows:

16 4-a. Notwithstanding any other provision of this subdivision or any  
17 other provision of law to the contrary, no member of the uniformed force  
18 of the New York city department of correction who is a New York city  
19 uniformed correction/sanitation revised plan member shall be a partic-  
20 ipant in the twenty-year retirement program.

21 § 6-b. Subdivision b of section 504-b of the retirement and social  
22 security law is amended by adding a new paragraph 4-a to read as  
23 follows:

24 4-a. Notwithstanding any other provision of this subdivision or any  
25 other provision of law to the contrary, no member of the uniformed force  
26 of the New York city department of correction who is a New York city  
27 uniformed correction/sanitation revised plan member shall be a partic-  
28 ipant in the twenty-year retirement program for captains and above.

1 § 6-c. Subdivision b of section 504-d of the retirement and social  
2 security law is amended by adding a new paragraph 1-a to read as  
3 follows:

4 1-a. Notwithstanding any other provision of this subdivision or any  
5 other provision of law to the contrary, no member of the uniformed force  
6 of the New York city department of correction who is a New York city  
7 uniformed correction/sanitation revised plan member shall be a partic-  
8 ipant in the twenty-year retirement program.

9 § 6-d. Section 505 of the retirement and social security law, as added  
10 by chapter 890 of the laws of 1976, is amended to read as follows:

11 § 505. Service retirement benefits; police/fire members, New York city  
12 uniformed correction/sanitation revised plan members and investigator  
13 revised plan members. a. The normal service retirement benefit for  
14 police/fire members, New York city uniformed correction/sanitation  
15 revised plan members and investigator revised plan members at normal  
16 retirement age shall be a pension equal to fifty percent of final aver-  
17 age salary, less fifty percent of the primary social security retirement  
18 benefit commencing at age sixty-two, as provided in section five hundred  
19 eleven.

20 b. The early service retirement benefit for police/fire members, New  
21 York city uniformed correction/sanitation revised plan members and  
22 investigator revised plan members shall be a pension equal to two and  
23 one-tenths percent of final average salary times years of credited  
24 service at the completion of twenty years of service or upon attainment  
25 of age sixty-two, increased by one-third of one percent of final average  
26 salary for each month of service in excess of twenty years, but not in  
27 excess of fifty percent of final average salary, less fifty percent of  
28 the primary social security retirement benefit commencing at age sixty-



1 two as provided in section five hundred eleven, provided, however, that  
2 New York city police/fire revised plan members, New York city uniformed  
3 correction/sanitation revised plan members and investigator revised plan  
4 members shall not be eligible to retire for service prior to the attain-  
5 ment of twenty years of credited service.

6 c. A police/fire member, a New York city uniformed  
7 correction/sanitation revised plan member or an investigator revised  
8 plan member who retires with twenty-two years of credited service or  
9 less may become eligible for annual escalation of the service retirement  
10 benefit if he elects to have the payment of his benefit commence on the  
11 date he would have completed twenty-two years and one month or more of  
12 service. In such event, the service retirement benefit shall equal two  
13 percent of final average salary for each year of credited service, less  
14 fifty percent of the primary social security retirement benefit commenc-  
15 ing at age sixty-two as provided in section five hundred eleven.

16 § 6-e. Subdivisions b and c of section 507 of the retirement and  
17 social security law, subdivision b as amended by chapter 489 of the laws  
18 of 2008 and subdivision c as amended by chapter 513 of the laws of 2010,  
19 are amended to read as follows:

20 b. A police/fire member in active service, a New York city uniformed  
21 correction/sanitation revised plan member in active service or an inves-  
22 tigator revised plan member in active service, or a vested member inca-  
23 pacitated as the result of a qualifying World Trade Center condition as  
24 defined in section two of this chapter, who is not eligible for a normal  
25 service retirement benefit shall be eligible for the accidental disabili-  
26 ty benefit either as provided in subdivision a or if such member is  
27 physically or mentally incapacitated for performance of duty as the

1 natural and proximate result of an accident sustained in such active  
2 service and not caused by such member's own willful negligence.

3 c. In the case of a member of a retirement system other than the New  
4 York state and local employees' retirement system, the New York state  
5 teachers' retirement system, the New York city employees' retirement  
6 system, the New York city board of education retirement system or the  
7 New York city teachers' retirement system, or in the case of a member of  
8 the New York city employees' retirement system who is a New York city  
9 uniformed correction/sanitation revised plan member or an investigator  
10 revised plan member, the accidental disability benefit hereunder shall  
11 be a pension equal to two percent of final average salary times years of  
12 credited service which such member would have attained if employment had  
13 continued until such member's full escalation date, not in excess of the  
14 maximum years of service creditable for the normal service retirement  
15 benefit, less (i) fifty percent of the primary social security disabili-  
16 ty benefit, if any, as provided in section five hundred eleven of this  
17 article, and (ii) one hundred percent of any workers' compensation bene-  
18 fits payable.

19 In the case of a member of the New York state and local employees'  
20 retirement system, the New York state teachers' retirement system, the  
21 New York city employees' retirement system (other than a New York city  
22 uniformed correction/sanitation revised plan member or an investigator  
23 revised plan member), the New York city board of education retirement  
24 system or the New York city teachers' retirement system, the accidental  
25 disability benefit hereunder shall be a pension equal to sixty percent  
26 of final average salary, less (i) fifty percent of the primary social  
27 security disability benefit, if any, as provided in section five hundred  
28 eleven of this article, and (ii) one hundred percent of any workers'

1 compensation benefits payable. In the event a disability retiree from  
2 any retirement system is not eligible for the primary social security  
3 disability benefit and continues to be eligible for disability benefits  
4 hereunder, such disability benefit shall be reduced by one-half of such  
5 retiree's primary social security retirement benefit, commencing at age  
6 sixty-two, in the same manner as provided for service retirement bene-  
7 fits under section five hundred eleven of this article.

8 § 6-f. The opening paragraph of subdivision a of section 507-a of the  
9 retirement and social security law, as amended by section 145 of subpart  
10 B of part C of chapter 62 of the laws of 2011, is amended to read as  
11 follows:

12 [Application] Subject to the provisions of subdivision e of this  
13 section, application for a disability retirement allowance for a member  
14 in the uniformed personnel in institutions under the jurisdiction of the  
15 department of corrections and community supervision of New York state as  
16 defined in subdivision i of section eighty-nine of this chapter or for a  
17 member serving in institutions who is also in a title defined in such  
18 subdivision and who has made an election pursuant to the provisions of  
19 article seventeen of this chapter or the New York city department of  
20 correction may be made by:

21 § 6-g. Section 507-a of the retirement and social security law is  
22 amended by adding a new subdivision e to read as follows:

23 e. Notwithstanding the preceding subdivisions of this section to the  
24 contrary, this section shall not apply to a member of the uniformed  
25 force of the New York city department of correction who is a New York  
26 city uniformed correction/sanitation revised plan member.

1 § 6-h. Subdivision a of section 507-c of the retirement and social  
2 security law, as added by chapter 622 of the laws of 1997, is amended to  
3 read as follows:

4 a. Any member in the uniformed personnel in institutions under the  
5 jurisdiction of the New York city department of correction, who becomes  
6 physically or mentally incapacitated for the performance of duties as  
7 the natural and proximate result of an injury, sustained in the perform-  
8 ance or discharge of his or her duties by, or as a natural and proximate  
9 result of, an act of any inmate or any person confined in an institution  
10 under the jurisdiction of the department of correction or the department  
11 of health, or by any person who has been committed to such institution  
12 by any court shall be paid a performance of duty disability retirement  
13 allowance equal to three-quarters of final average salary, subject to  
14 the provisions of section 13-176 of the administrative code of the city  
15 of New York, provided, however, that the provisions of this section  
16 shall not apply to a member of the uniformed force of the New York city  
17 department of correction who is a New York city uniformed  
18 correction/sanitation revised plan member.

19 § 6-i. Subdivision b of section 508 of the retirement and social secu-  
20 rity law, as amended by chapter 601 of the laws of 1997, is amended to  
21 read as follows:

22 b. A member of a retirement system subject to the provisions of this  
23 article who is a policeman, fireman, correction officer, investigator  
24 revised plan member or sanitation man and is in a plan which permits  
25 immediate retirement upon completion of a specified period of service  
26 without regard to age or who is subject to the provisions of section  
27 five hundred four or five hundred five of this article, shall upon  
28 completion of ninety days of service be covered for financial protection

1 in the event of death in service pursuant to this subdivision. Such  
2 death benefit shall be equal to three times the member's salary raised  
3 to the next highest multiple of one thousand dollars, but in no event  
4 shall it exceed three times the maximum salary specified in section one  
5 hundred thirty of the civil service law or, in the case of a member of a  
6 retirement system other than the New York city employees' retirement  
7 system, or in the case of a member of the New York city employees'  
8 retirement system who is a New York city uniformed correction/sanitation  
9 revised plan member or an investigator revised plan member, the specific  
10 limitations specified for age of entrance into service contained in  
11 subparagraphs (b), (c), (d), (e) and (f) of paragraph two of subdivision  
12 a of this section.

13 § 6-j. Paragraph 2 of subdivision b of section 510 of the retirement  
14 and social security law, as added by chapter 890 of the laws of 1976, is  
15 amended to read as follows:

16 2. The first day of the month following the date on which a member  
17 completes or would have completed twenty-five years of credited service,  
18 with respect to service retirement benefits for police/fire members and  
19 their beneficiaries, New York city uniformed correction/sanitation  
20 revised plan members and their beneficiaries or investigator revised  
21 plan members and their beneficiaries.

22 § 6-k. Subdivision f of section 511 of the retirement and social secu-  
23 rity law, as amended by section 147 of subpart B of part C of chapter 62  
24 of the laws of 2011, is amended to read as follows:

25 f. This section shall not apply to general members in the uniformed  
26 correction force of the New York city department of correction or to  
27 uniformed personnel in institutions under the jurisdiction of the  
28 department of corrections and community supervision and security hospi-

1 tal treatment assistants, as those terms are defined in subdivision i of  
2 section eighty-nine of this chapter, provided, however, that the  
3 provisions of this section shall apply to a New York city uniformed  
4 correction/sanitation revised plan member.

5 § 7. Section 512 of the retirement and social security law, as  
6 amended by chapter 379 of the laws of 1986, subdivisions b and c as  
7 amended by chapter 286 of the laws of 2010 and subdivision d as amended  
8 by chapter 749 of the laws of 1992, is amended to read as follows:

9 § 512. Final average salary. a. A member's final average salary shall  
10 be the average wages earned by such a member during any three consec-  
11 utive years which provide the highest average wage; provided, however,  
12 if the wages earned during any year included in the period used to  
13 determine final average salary exceeds that of the average of the previ-  
14 ous two years by more than ten percent, the amount in excess of ten  
15 percent shall be excluded from the computation of final average salary.  
16 [Where] Notwithstanding the preceding provisions of this subdivision to  
17 the contrary, for a member who first becomes a member of the New York  
18 state and local employees' retirement system on or after July first, two  
19 thousand eleven, or for a New York city police/fire revised plan member,  
20 a New York city uniformed correction/sanitation revised plan member or  
21 an investigator revised plan member, a member's final average salary  
22 shall be the average wages earned by such a member during any five  
23 consecutive years which provide the highest average wage; provided,  
24 however, if the wages earned during any year included in the period used  
25 to determine final average salary exceeds that of the average of the  
26 previous four years by more than eight percent, the amount in excess of  
27 eight percent shall be excluded from the computation of final average  
28 salary. In determining final average salary pursuant to any provision of

1 this subdivision, where the period used to determine final average sala-  
2 ry is the period which immediately precedes the date of retirement, any  
3 month or months (not in excess of twelve) which would otherwise be  
4 included in computing final average salary but during which the member  
5 was on authorized leave of absence at partial pay or without pay shall  
6 be excluded from the computation of final average salary and the month  
7 or an equal number of months immediately preceding such period shall be  
8 substituted in lieu thereof.

9 b. Notwithstanding the provisions of subdivision a of this section,  
10 with respect to members of the New York state employees' retirement  
11 system who first become members of the New York state and local employ-  
12 ees' retirement system before July first, two thousand eleven, the New  
13 York state and local police and fire retirement system and the New York  
14 city teachers' retirement system, a member's final average salary shall  
15 be equal to one-third of the highest total wages earned during any  
16 continuous period of employment for which the member was credited with  
17 three years of service credit; provided, however, if the wages earned  
18 during any year of credited service included the period used to deter-  
19 mine final average salary exceeds the average of the wages of the previ-  
20 ous two years of credited service by more than ten percent, the amount  
21 in excess of ten percent shall be excluded from the computation of final  
22 average salary. For members who first become a member of the New York  
23 state and local employees' retirement system on or after July first, two  
24 thousand eleven, with respect to members of the New York state and local  
25 employees' retirement system, a member's final average salary shall be  
26 equal to one-fifth of the highest total wages earned during any contin-  
27 uous period of employment for which the member was credited with five  
28 years of service credit; provided, however, if the wages earned during

1 any year of credited service included the period used to determine final  
2 average salary exceeds the average of the wages of the previous four  
3 years of credited service by more than eight percent, the amount in  
4 excess of eight percent shall be excluded from the computation of final  
5 average salary.

6 c. Notwithstanding the provisions of subdivisions a and b of this  
7 section, the final average salary of an employee who has been a member  
8 of the New York city employees' retirement system (other than a New York  
9 city correction/sanitation revised plan member or an investigator  
10 revised plan member) or the New York city teachers' retirement system  
11 for less than one year shall be the projected one year salary, with the  
12 calculation based upon a twelve month projection of the sums earned in  
13 the portion of the year worked. If a member has been employed for more  
14 than one year but less than two years, then the member's final average  
15 salary shall be the average of the first year and projected second year  
16 earnings based upon the calculation above, and if more than two years,  
17 but less than three years, then one-third the total of the first two  
18 years of employment plus the projected third year's earnings, calculated  
19 as indicated above.

20 d. Subject to the provisions of subdivision c of this section, and  
21 notwithstanding the provisions of subdivision a of this section, with  
22 respect to members of the New York city employees' retirement system  
23 (other than a New York city uniformed correction/sanitation revised plan  
24 member or an investigator revised plan member) and the New York city  
25 board of education retirement system who are subject to the provisions  
26 of this article, a member's final average salary shall be determined  
27 pursuant to the provisions of paragraph thirteen of subdivision e of  
28 section 13-638.4 of the administrative code of the city of New York.



1 § 7-a. Subdivision h of section 513 of the retirement and social secu-  
2 rity law, as added by chapter 477 of the laws of 2005, is amended to  
3 read as follows:

4 h. Notwithstanding any other provision of this section, any general  
5 member in the uniformed correction force of the New York city department  
6 of [corrections] correction who is absent without pay for a child care  
7 leave of absence pursuant to regulations of the New York city department  
8 of [corrections] correction shall be eligible for credit for such period  
9 of child care leave provided such member files a claim for such service  
10 credit with the retirement system by December thirty-first, two thousand  
11 five or within ninety days of the termination of the child care leave,  
12 whichever is later, and contributes to the retirement system an amount  
13 which such member would have contributed during the period of such child  
14 care leave, together with interest thereon. Service credit provided  
15 pursuant to this subdivision shall not exceed one year of credit for  
16 each period of authorized child care leave. In the event there is a  
17 conflict between the provisions of this subdivision and the provisions  
18 of any other law or code to the contrary, the provisions of this subdi-  
19 vision shall govern, provided, however, that the provisions of this  
20 subdivision shall not apply to a member of the uniformed force of the  
21 New York city department of correction who is a New York city uniformed  
22 correction/sanitation revised plan member.

23 § 7-b. Section 513 of the retirement and social security law is  
24 amended by adding a new subdivision i to read as follows:

25 i. Notwithstanding any other provision of law to the contrary, New  
26 York city police/fire revised plan members, New York city uniformed  
27 correction/sanitation revised plan members and investigator revised plan

1 members shall not receive service credit for any undocumented sick leave  
2 that may be credited toward terminal leave.

3 § 8. Subdivisions a, c and d of section 516 of the retirement and  
4 social security law, subdivision a as amended by section 4 of part B of  
5 chapter 504 of the laws of 2009, subdivision c as added by chapter 890  
6 of the laws of 1976 and subdivision d as amended by section 148 of  
7 subpart B of part C of chapter 62 of the laws of 2011, are amended and a  
8 new subdivision e is added to read as follows:

9 a. A member who has five or more years of credited service or ten or  
10 more years of credited service for members who first join the New York  
11 state and local employees' retirement system on or after January first,  
12 two thousand ten upon termination of employment shall be entitled to a  
13 deferred vested benefit as provided herein. For members who first  
14 become members of the New York state and local employees' retirement  
15 system on or after July first, two thousand eleven, or for New York city  
16 police/fire revised plan members, New York city uniformed  
17 correction/sanitation revised plan members or investigator revised plan  
18 members, a member who has twelve or more years of credited service upon  
19 termination of employment shall be entitled to a deferred vested benefit  
20 as provided herein.

21 c. 1. The deferred vested benefit of police/fire members who are not  
22 New York city police/fire revised plan members shall be a pension  
23 commencing at early retirement age equal to two and one-tenths percent  
24 of final average salary times years of credited service, less fifty  
25 percent of the primary social security retirement benefit commencing at  
26 age sixty-two, as provided in section five hundred eleven. A police/fire  
27 member who is not a New York city police/fire revised plan member may  
28 elect to receive his vested benefit commencing at early retirement age

1 or age fifty-five. If the vested benefit commences before early retire-  
2 ment age, the benefit shall be reduced by one-fifteenth for each year,  
3 if any, that the member's early retirement age is in excess of age  
4 sixty, and by one-thirtieth for each additional year by which the vested  
5 benefit commences prior to early retirement age. If such vested benefit  
6 is deferred until after such member's normal retirement age, the benefit  
7 shall be computed and subject to annual escalation in the same manner as  
8 provided for an early retirement benefit pursuant to subdivision c of  
9 section five hundred five of this article.

10 2. The deferred vested benefit of New York city police/fire revised  
11 plan members, New York city uniformed correction/sanitation revised plan  
12 members and investigator revised plan members shall be a pension  
13 commencing at age sixty-five equal to two and one-tenth percent of final  
14 average salary times years of credited service, less fifty percent of  
15 the primary social security retirement benefit commencing at age sixty-  
16 two, as provided in section five hundred eleven of this article.

17 d. The deferred vested benefit of general members in the uniformed  
18 correction force of the New York city department of correction, who are  
19 not entitled to a deferred vested benefit under subdivision d of section  
20 five hundred four-a of this article or under subdivision d of section  
21 five hundred four-b of this article or under subdivision d of section  
22 five hundred four-d of this article, or of general members in the  
23 uniformed personnel in institutions under the jurisdiction of the  
24 department of corrections and community supervision, as defined in  
25 subdivision i of section eighty-nine of this chapter, with twenty or  
26 more years of credited service shall be a pension commencing at normal  
27 retirement age equal to one-fiftieth, or one-sixtieth for members who  
28 first become members of the New York state and local employees' retire-

1 ment system on or after July first, two thousand eleven, of final aver-  
2 age salary times years of credited service, not in excess of thirty  
3 years. The deferred vested benefit of general members in the uniformed  
4 correction force of the New York city department of correction, who are  
5 not entitled to a deferred vested benefit under subdivision d of section  
6 five hundred four-a of this article or under subdivision d of section  
7 five hundred four-b of this article or under subdivision d of section  
8 five hundred four-d of this article, or of general members in the  
9 uniformed personnel in institutions under jurisdiction of the department  
10 of corrections and community supervision, as defined in subdivision i of  
11 section eighty-nine of this chapter, with less than twenty years of  
12 credited service shall be a pension commencing at normal retirement age  
13 equal to one-sixtieth of final average salary times years of credited  
14 service. Such deferred vested benefit may be paid in the form of an  
15 early service retirement benefit, or may be postponed until after normal  
16 retirement age, in which event the benefit will be subject to reduction  
17 or escalation as provided in subdivision c of section five hundred four  
18 of this article. Members who first become members of the New York state  
19 and local employees' retirement system on or after July first, two thou-  
20 sand eleven shall not be entitled to such early service retirement bene-  
21 fit. Notwithstanding any other provision of law to the contrary, the  
22 provisions of this subdivision shall not apply to a member of the  
23 uniformed force of the New York city department of correction who is a  
24 New York city uniformed correction/sanitation revised plan member.

25 e. In no event shall the vested retirement allowance payable without  
26 optional modification be less than the actuarial equivalent of the total  
27 which results from the member's contributions accumulated with interest  
28 at five percent per annum compounded annually to the date of retirement.

1 § 9. Subdivision a of section 517 of the retirement and social securi-  
2 ty law, as added by chapter 890 of the laws of 1976, is amended to read  
3 as follows:

4 a. Members shall contribute three percent of annual wages to the  
5 retirement system in which they have membership, provided that such  
6 contributions shall not be required for more than thirty years, for  
7 general members, or twenty-five years, for police/fire members, except  
8 that members who first become members of the New York state and local  
9 employees' retirement system on or after July first, two thousand elev-  
10 en, and New York city police/fire revised plan members, New York city  
11 uniformed correction/sanitation revised plan members and investigator  
12 revised plan members shall contribute six percent of annual wages,  
13 provided, however, that New York city police/fire revised plan members,  
14 New York city uniformed correction/sanitation revised plan members and  
15 investigator revised plan members shall not be required to make such  
16 contributions for more than twenty-five years. The head of each retire-  
17 ment system shall promulgate such regulations as may be necessary and  
18 appropriate with respect to the deduction of such contribution from  
19 members' wages and for the maintenance of any special fund or funds with  
20 respect to amounts so contributed.

21 § 9-a. Subdivision b of section 517-c of the retirement and social  
22 security law, as added by chapter 920 of the laws of 1990, is amended to  
23 read as follows:

24 b. A member of the New York state and local employees' retirement  
25 system, the New York city employees' retirement system or the New York  
26 city board of education retirement system in active service who has  
27 credit for at least one year of member service may borrow, no more than  
28 once during each twelve month period, an amount not exceeding seventy-

1 five percent of the total contributions made pursuant to section five  
2 hundred seventeen (including interest credited at the rate set forth in  
3 subdivision c of such section five hundred seventeen compounded annual-  
4 ly) and not less than one thousand dollars, provided, however, that the  
5 provisions of this section shall not apply to a New York city uniformed  
6 correction/sanitation revised plan member or an investigator revised  
7 plan member.

8 § 9-b. Paragraphs 4 and 5 of subdivision a of section 600 of the  
9 retirement and social security law, as amended by chapter 370 of the  
10 laws of 1996, are amended and a new paragraph 6 is added to read as  
11 follows:

12 4. Members qualified for participation in the uniformed transit police  
13 force plan or housing police force plan in the New York city employees'  
14 retirement [systems] system; [and]

15 5. Investigator [member] members of the New York city employees'  
16 retirement system[.]; and

17 6. Members of the uniformed force of the New York city department of  
18 sanitation who join or rejoin a public retirement system of the state on  
19 or after July first, two thousand eleven.

20 § 10. Subdivision 1 of section 601 of the retirement and social secu-  
21 rity law, as amended by section 5 of part B of chapter 504 of the laws  
22 of 2009, is amended to read as follows:

23 1. "Wages" shall mean regular compensation earned by and paid to a  
24 member by a public employer, except that for members who first join the  
25 New York state and local employees' retirement system or the New York  
26 state teachers' retirement system on or after January first, two thou-  
27 sand ten, overtime compensation paid in any year in excess of the over-  
28 time ceiling, as defined by this subdivision, shall not be included in

1 the definition of wages. "Overtime compensation" shall mean, for  
2 purposes of this section, compensation paid under any law or policy  
3 under which employees are paid at a rate greater than their standard  
4 rate for additional hours worked beyond those required, including  
5 compensation paid under section one hundred thirty-four of the civil  
6 service law and section ninety of the general municipal law. The "over-  
7 time ceiling" shall mean fifteen thousand dollars per annum on January  
8 first, two thousand ten, and shall be increased by three per cent each  
9 year thereafter. For members who first join a public retirement system  
10 of the state on or after July first, two thousand eleven, the following  
11 items shall not be included in the definition of wages: 1. overtime  
12 compensation paid under any law or policy under which employees are paid  
13 at a rate greater than their standard rate for additional hours beyond  
14 that required, including section one hundred thirty-four of the civil  
15 service law and section ninety of the general municipal law, 2. wages in  
16 excess of the annual salary paid to the governor pursuant to section  
17 three of article four of the state constitution, 3. lump sum payments  
18 for deferred compensation, sick leave, accumulated vacation or other  
19 credits for time not worked, 4. any form of termination pay, and 5. any  
20 additional compensation paid in anticipation of retirement.

21 § 10-a. Section 601 of the retirement and social security law is  
22 amended by adding a new subdivision m to read as follows:

23 m. "New York city revised plan member" shall mean a member of the New  
24 York city employees' retirement system, the New York city teachers'  
25 retirement system or the board of education retirement system of the  
26 city of New York who becomes subject to the provisions of this article  
27 on or after July first, two thousand eleven.

1 § 11. Subdivisions a, b and b-1 of section 602 of the retirement and  
2 social security law, subdivisions a and b as separately amended by  
3 section 6 of part B and section 1 of part C of chapter 504 of the laws  
4 of 2009, and subdivision b-1 as added by section 2 of part C of chapter  
5 504 of the laws of 2009, are amended to read as follows:

6 a. Except as provided in subdivision b-1 of this section, a member who  
7 first joins a public retirement system of this state on or after July  
8 first, nineteen hundred seventy-six shall not be eligible for service  
9 retirement benefits hereunder until such member has rendered a minimum  
10 of five years of credited service, except that a member who first joins  
11 the New York state and local employees' retirement system or the New  
12 York state teachers' retirement system on or after January first, two  
13 thousand ten shall not be eligible for service retirement benefits  
14 pursuant to this article until such member has rendered a minimum of ten  
15 years of credited service. A member who first becomes a member of a  
16 public retirement system of the state on or after July first, two thou-  
17 sand eleven shall not be eligible for service retirement benefits pursu-  
18 ant to this article until such member has rendered a minimum of twelve  
19 years of credited service.

20 b. Except as provided in subdivision b-1 of this section, a member who  
21 previously was a member of a public retirement system of this state  
22 shall not be eligible for service retirement benefits hereunder until  
23 such member has rendered a minimum of five years of service which is  
24 credited pursuant to section six hundred nine of this article. A member  
25 who first joins the New York state and local employees' retirement  
26 system or the New York state teachers' retirement system on or after  
27 January first, two thousand ten shall not be eligible for service  
28 retirement benefits pursuant to this article until such member has



1 rendered a minimum of ten years of credited service. A member who first  
2 becomes a member of a public retirement system of the state on or after  
3 July first, two thousand eleven shall not be eligible for service  
4 retirement benefits pursuant to this article until such member has  
5 rendered a minimum of twelve years of credited service.

6 b-1. Notwithstanding the provisions of subdivision a or b of this  
7 section or any other provision of law to the contrary, (i) a member of  
8 the New York city teachers' retirement system who holds a position  
9 represented by the recognized teacher organization for collective  
10 bargaining purposes, and who became subject to the provisions of this  
11 article after the effective date of this subdivision, or (ii) a member  
12 of the New York city board of education retirement system who holds a  
13 position represented by the recognized teacher organization for collec-  
14 tive bargaining purposes, and who became subject to the provisions of  
15 this article after the effective date of this subdivision, shall not be  
16 eligible for service retirement benefits hereunder until such member has  
17 rendered a minimum of ten years of credited service, provided, however,  
18 that no such member of either of such retirement systems who is a New  
19 York city revised plan member shall be eligible for service retirement  
20 benefits pursuant to this article until such member has rendered a mini-  
21 mum of twelve years of credited service.

22 § 12. Subdivision a of section 603 of the retirement and social secu-  
23 rity law, as amended by section 7 of part B of chapter 504 of the laws  
24 of 2009, is amended, and a new subdivision a-1 is added to read as  
25 follows:

26 a. The service retirement benefit specified in section six hundred  
27 four of this article shall be payable to members who have met the mini-  
28 mum service requirements upon retirement and attainment of age sixty-

1 two, other than members who are eligible for early service retirement  
2 pursuant to subdivision c of section six hundred four-b of this article,  
3 subdivision c of section six hundred four-c of this article, subdivision  
4 d of section six hundred four-d of this article, subdivision c of  
5 section six hundred four-e of this article, subdivision c of section six  
6 hundred four-f of this article, subdivision c of section six hundred  
7 four-g of this article, subdivision c of section six hundred four-h of  
8 this article or subdivision c of section six hundred four-i of this  
9 article, provided, however, a member of a teachers' retirement system or  
10 the New York state and local employees' retirement system who first  
11 joins such system before January first, two thousand ten or a member who  
12 is a uniformed court officer or peace officer employed by the unified  
13 court system who first becomes a member of the New York state and local  
14 employees' retirement system before July first, two thousand eleven may  
15 retire without reduction of his or her retirement benefit upon attain-  
16 ment of at least fifty-five years of age and completion of thirty or  
17 more years of service, provided, however, that a uniformed court officer  
18 or peace officer employed by the unified court system who first becomes  
19 a member of the New York state and local employees' retirement system on  
20 or after January first, two thousand ten and retires without reduction  
21 of his or her retirement benefit upon attainment of at least fifty-five  
22 years of age and completion of thirty or more years of service pursuant  
23 to this section shall be required to make the member contributions  
24 required by subdivision f of section six hundred thirteen of this arti-  
25 cle for all years of credited and creditable service, provided further  
26 that the the preceding provisions of this subdivision shall not apply to  
27 a New York city revised plan member.

1 a-1. For members who first become a member of a public retirement  
2 system of the state on or after July first, two thousand eleven, the  
3 service retirement benefit specified in section six hundred four of this  
4 article shall be payable to members who have met the minimum service  
5 requirements upon retirement and have attained age sixty-five.

6 § 13. Subdivision i of section 603 of the retirement and social secu-  
7 rity law, as amended by section 8 of part B of chapter 504 of the laws  
8 of 2009, is amended to read as follows:

9 i. The provisions of this subdivision shall not apply to members who  
10 first become a member of a public retirement system of the state on or  
11 after July first, two thousand eleven. 1. A member of a teachers'  
12 retirement system or the New York state and local employees' retirement  
13 system who has met the minimum service requirements but who has less  
14 than thirty years of credited service or a member who first joins the  
15 New York state and local employees' retirement system or the New York  
16 state teachers' retirement system on or after January first, two thou-  
17 sand ten may retire prior to normal retirement age, but no earlier than  
18 attainment of age fifty-five, in which event, unless such person is a  
19 member of the New York city teachers' retirement system who is otherwise  
20 eligible for early service retirement pursuant to subdivision c of  
21 section six hundred four-i of this article, the amount of his or her  
22 retirement benefit otherwise computed without optional modification  
23 shall be reduced in accordance with the following schedule: (i) for  
24 each of the first twenty-four full months that retirement predates age  
25 sixty-two, one-half of one per centum per month; provided, however, that  
26 for members who first join the New York state and local employees'  
27 retirement system or the New York state teachers' retirement system on

1 or after January first, two thousand ten, such amounts shall be equal to  
2 one-fifteenth per year; and

3 (ii) for each full month that retirement predates age sixty, one-quar-  
4 ter of one per centum per month; provided, however, that for members who  
5 first join the New York state and local employees' retirement system or  
6 the New York state teachers' retirement system on or after January  
7 first, two thousand ten, such amounts shall be equal to one-twentieth  
8 per year, but in no event shall retirement be permitted prior to attain-  
9 ment of age fifty-five.

10 2. A member of the New York city employees' retirement system or the  
11 board of education retirement system of the city of New York who has met  
12 the minimum service requirement, but who is not (a) a participant in the  
13 twenty-five-year early retirement program, as defined in paragraph ten  
14 of subdivision a of section six hundred four-c of this article (as added  
15 by chapter ninety-six of the laws of nineteen hundred ninety-five), or  
16 (b) a participant in the age fifty-seven retirement program, as defined  
17 in paragraph three of subdivision b of section six hundred four-d of  
18 this article, or (c) a New York city transit authority member, as  
19 defined in paragraph one of subdivision a of section six hundred four-b  
20 of this article, may retire prior to normal retirement age, but no  
21 earlier than attainment of age fifty-five, in which event, unless such  
22 person is a member of the board of education retirement system of such  
23 city who is otherwise eligible for early service retirement pursuant to  
24 subdivision c of section six hundred four-i of this article, the amount  
25 of his or her retirement benefit computed without optional modification  
26 shall be reduced in accordance with the following schedule:

27 (i) for each of the first twenty-four full months that retirement  
28 predates age sixty-two, one-half of one per centum per month; and

1 (ii) for each full month that retirement predates age sixty, one-quar-  
2 ter of one per centum per month, but in no event shall retirement be  
3 permitted prior to attainment of age fifty-five.

4 § 14. Subdivision t of section 603 of the retirement and social secu-  
5 rity law, as added by section 8-a of part B of chapter 504 of the laws  
6 of 2009, is amended to read as follows:

7 t. Members who join the New York state teachers' retirement system on  
8 or after January first, two thousand ten, shall be eligible to retire  
9 without reduction of his or her retirement benefit upon attainment of at  
10 least fifty-seven years of age and completion of thirty or more years of  
11 service. Members who retire pursuant to the provisions of this subdivi-  
12 sion shall be required to make the member contributions required by  
13 subdivision g of section six hundred thirteen of this article for all  
14 years of credited and creditable service. The provisions of this subdivi-  
15 vision shall not apply to members who first become a member of the New  
16 York state teachers' retirement system on or after July first, two thou-  
17 sand eleven.

18 § 15. Section 604 of the retirement and social security law is amended  
19 by adding a new subdivision b-1 to read as follows:

20 b-1. The service retirement benefit for members who first become a  
21 member of a public retirement system of the state on or after July  
22 first, two thousand eleven at age sixty-five shall be a pension equal to  
23 one-sixtieth of final average salary times years of credited service,  
24 not in excess of thirty years. Credited service in excess of thirty  
25 years shall provide an additional retirement allowance equal to three  
26 two-hundredths of the final average salary for each year of credited  
27 service in excess of thirty years. In no event shall any retirement  
28 benefit payable without optional modification be less than the actuari-

1 ally equivalent annuitized value of the member's contributions accumu-  
2 lated with interest at five percent per annum compounded annually to the  
3 date of retirement.

4 § 15-a. Paragraph 1 of subdivision d of section 604-b of the retire-  
5 ment and social security law, as amended by chapter 10 of the laws of  
6 2000, is amended to read as follows:

7 1. A participant in the twenty-five-year and age fifty-five retirement  
8 program who:

9 (i) discontinues city-service and service as a member of the New York  
10 city transit authority other than by death or retirement; and

11 (ii) in the case of a participant who is not a New York city revised  
12 plan member, prior to such discontinuance, completed five but less than  
13 twenty-five years of allowable service in the transit authority or, in  
14 the case of a participant who is a New York city revised plan member,  
15 has completed twelve but less than twenty-five years of allowable  
16 service in the transit authority prior to such discontinuance; and

17 (iii) has paid, prior to such discontinuance, all additional member  
18 contributions and interest, if any, required by subdivision e of this  
19 section; and

20 (iv) does not withdraw in whole or in part his or her accumulated  
21 member contributions pursuant to section six hundred thirteen of this  
22 article unless such participant thereafter returns to public service and  
23 repays the amounts so withdrawn, together with interest, pursuant to  
24 such section six hundred thirteen of this article; shall be entitled to  
25 receive a deferred vested benefit as provided in section six hundred  
26 twelve of this article.

1 § 15-b. Subparagraph (ii) of paragraph 3 of subdivision d of section  
2 604-b of the retirement and social security law, as added by chapter 352  
3 of the laws of 1997, is amended to read as follows:

4 (ii) [Such] In the case of a participant who is not a New York city  
5 revised plan member, such vested benefit shall become payable on the  
6 earliest date on which such discontinued member could have retired for  
7 service if such discontinuance had not occurred or, in the case of a  
8 participant who is a New York city revised plan member, such vested  
9 benefit shall become payable at age sixty-five.

10 § 15-c. Subdivision b of section 604-c of the retirement and social  
11 security law, as added by chapter 96 of the laws of 1995, is amended by  
12 adding a new paragraph 2-a to read as follows:

13 2-a. Notwithstanding any other provision of this subdivision or any  
14 other provision of law to the contrary, no member who becomes subject to  
15 the provisions of this article on or after the effective date of this  
16 paragraph shall be a participant in the twenty-five-year early retire-  
17 ment program.

18 § 15-d. Paragraph 1 of subdivision d of section 604-c of the retire-  
19 ment and social security law, as amended by chapter 659 of the laws of  
20 1999, is amended to read as follows:

21 1. A participant in the twenty-year/age fifty retirement program who:

22 (i) discontinues service as a Triborough bridge and tunnel member,  
23 other than by death or retirement; and

24 (ii) in the case of a participant who is not a New York city revised  
25 plan member, prior to such discontinuance, completed five but less than  
26 twenty years of credited service or, in the case of a participant who is  
27 a New York city revised plan member, has completed twelve but less than  
28 twenty years of credited service; and

1 (iii) has paid, prior to such discontinuance, all additional member  
2 contributions and interest (if any) required by subdivision e of this  
3 section; and

4 (iv) does not withdraw in whole or in part his or her accumulated  
5 member contributions pursuant to section six hundred thirteen of this  
6 article unless such participant thereafter returns to public service and  
7 repays the amounts so withdrawn, together with interest, pursuant to  
8 such section six hundred thirteen; shall be entitled to receive a  
9 deferred vested benefit as provided in this subdivision.

10 § 15-e. Subparagraph (ii) of paragraph 2 of subdivision d of section  
11 604-c of the retirement and social security law, as added by chapter 472  
12 of the laws of 1995, is amended to read as follows:

13 (ii) [Such] In the case of a participant who is not a New York city  
14 revised plan member, such vested benefit shall become payable on the  
15 earliest date on which such discontinued member could have retired for  
16 service if such discontinuance had not occurred or, in the case of a  
17 participant who is a New York city revised plan member, such vested  
18 benefit shall become payable at age sixty-five.

19 § 15-f. Subdivision c of section 604-d of the retirement and social  
20 security law is amended by adding a new paragraph 3-a to read as  
21 follows:

22 3-a. Notwithstanding any other provision of this subdivision or any  
23 other provision of law to the contrary, no member who becomes subject to  
24 the provisions of this article on or after the effective date of this  
25 paragraph shall be a participant in the age fifty-seven retirement  
26 program.



1 § 15-g. Paragraph 1 of subdivision d of section 604-e of the retire-  
2 ment and social security law, as added by chapter 576 of the laws of  
3 2000, is amended to read as follows:

4 1. A participant in the twenty-five year retirement program:

5 (i) who discontinues service as such a participant, other than by  
6 death or retirement; and

7 (ii) in the case of a participant who is not a New York city revised  
8 plan member, who prior to such discontinuance, completed five but less  
9 than twenty-five years of allowable service as a dispatcher member or,  
10 in the case of a participant who is a New York city revised plan member,  
11 who prior to such discontinuance, completed twelve but less than twen-  
12 ty-five years of allowable service as a dispatcher member; and

13 (iii) who, subject to the provisions of paragraph seven of subdivision  
14 e of this section, has paid, prior to such discontinuance, all addi-  
15 tional member contributions and interest (if any) required by subdivi-  
16 sion e of this section; and

17 (iv) who does not withdraw in whole or in part his or her accumulated  
18 member contributions pursuant to section six hundred thirteen of this  
19 article unless such participant thereafter returns to public service and  
20 repays the amounts so withdrawn, together with interest, pursuant to  
21 such section six hundred thirteen; shall be entitled to receive a  
22 deferred vested benefit as provided in this subdivision.

23 § 15-h. Subparagraph (ii) of paragraph 2 of subdivision d of section  
24 604-e of the retirement and social security law, as added by chapter 576  
25 of the laws of 2000, is amended to read as follows:

26 (ii) [Such] In the case of a participant who is not a New York city  
27 revised plan member, such vested benefit shall become payable on the  
28 earliest date on which such discontinued member could have retired for

1 service if such discontinuance had not occurred or, in the case of a  
2 participant who is a New York city revised plan member, such vested  
3 benefit shall become payable at age sixty-five.

4 § 15-i. Paragraph 1 of subdivision d of section 604-e of the retire-  
5 ment and social security law, as added by chapter 577 of the laws of  
6 2000, is amended to read as follows:

7 1. A participant in the twenty-five year retirement program:

8 (i) who discontinues service as such a participant, other than by  
9 death or retirement; and

10 (ii) in the case of a participant who is not a New York city revised  
11 plan member, who prior to such discontinuance, completed five but less  
12 than twenty-five years of allowable service as an EMT member or, in the  
13 case of a participant who is a New York city revised plan member, who  
14 prior to such discontinuance, completed twelve but less than twenty-five  
15 years of allowable service as an EMT member; and

16 (iii) who, subject to the provisions of paragraph seven of subdivision  
17 e of this section, has paid, prior to such discontinuance, all addi-  
18 tional member contributions and interest (if any) required by subdivi-  
19 sion e of this section; and

20 (iv) who does not withdraw in whole or in part his or her accumulated  
21 member contributions pursuant to section six hundred thirteen of this  
22 article unless such participant thereafter returns to public service and  
23 repays the amounts so withdrawn, together with interest, pursuant to  
24 such section six hundred thirteen; shall be entitled to receive a  
25 deferred vested benefit as provided in this subdivision.

26 § 15-j. Subparagraph (ii) of paragraph 2 of subdivision d of section  
27 604-e of the retirement and social security law, as added by chapter 577  
28 of the laws of 2000, is amended to read as follows:

1 (ii) [Such] In the case of a participant who is not a New York city  
2 revised plan member, such vested benefit shall become payable on the  
3 earliest date on which such discontinued member could have retired for  
4 service if such discontinuance had not occurred or, in the case of a  
5 participant who is a New York city revised plan member, such vested  
6 benefit shall become payable at age sixty-five.

7 § 15-k. Paragraph 1 of subdivision d of section 604-f of the retire-  
8 ment and social security law, as added by chapter 559 of the laws of  
9 2001, is amended to read as follows:

10 1. A participant in the twenty-five year retirement program:

11 (i) who discontinues service as such a participant, other than by  
12 death or retirement; and

13 (ii) in the case of a participant who is not a New York city revised  
14 plan member, who prior to such discontinuance, completed five but less  
15 than twenty-five years of credited service or, in the case of a partic-  
16 ipant who is a New York city revised plan member, who prior to such  
17 discontinuance, completed twelve but less than twenty-five years of  
18 credited service; and

19 (iii) who, subject to the provisions of paragraph seven of subdivision  
20 e of this section, has paid, prior to such discontinuance, all addi-  
21 tional member contributions and interest (if any) required by subdivi-  
22 sion e of this section; and

23 (iv) who does not withdraw in whole or in part his or her accumulated  
24 member contributions pursuant to section six hundred thirteen of this  
25 article unless such participant thereafter returns to public service and  
26 repays the amounts so withdrawn, together with interest, pursuant to  
27 such section six hundred thirteen; shall be entitled to receive a  
28 deferred vested benefit as provided in this subdivision.

1 § 15-l. Subparagraph (ii) of paragraph 2 of subdivision d of section  
2 604-f of the retirement and social security law, as added by chapter 559  
3 of the laws of 2001, is amended to read as follows:

4 (ii) [Such] In the case of a participant who is not a New York city  
5 revised plan member, such vested benefit shall become payable on the  
6 earliest date on which such discontinued member could have retired for  
7 service if such discontinuance had not occurred or, in the case of a  
8 participant who is a New York city revised plan member, such vested  
9 benefit shall become payable at age sixty-five.

10 § 15-m. Paragraph 1 of subdivision d of section 604-f of the retire-  
11 ment and social security law, as added by chapter 582 of the laws of  
12 2001, is amended to read as follows:

13 1. A participant in the twenty-five year retirement program:

14 (i) who discontinues service as such a participant, other than by  
15 death or retirement; and

16 (ii) in the case of a participant who is not a New York city revised  
17 plan member, who prior to such discontinuance, completed five but less  
18 than twenty-five years of allowable service as a special officer, park-  
19 ing control specialist, school safety agent, campus peace officer or  
20 taxi and limousine inspector member or, in the case of a participant who  
21 is a New York city revised plan member, who prior to such discontin-  
22 uance, completed twelve but less than twenty-five years of allowable  
23 service as a special officer, parking control specialist, school safety  
24 agent, campus peace officer or taxi and limousine inspector member; and

25 (iii) who, subject to the provisions of paragraph seven of subdivision  
26 e of this section, has paid, prior to such discontinuance, all addi-  
27 tional member contributions and interest, if any, required by subdivi-  
28 sion e of this section; and

1 (iv) who does not withdraw in whole or in part his or her accumulated  
2 member contributions pursuant to section six hundred thirteen of this  
3 article unless such participant thereafter returns to public service and  
4 repays the amounts so withdrawn, together with interest, pursuant to  
5 such section six hundred thirteen; shall be entitled to receive a  
6 deferred vested benefit as provided in this subdivision.

7 § 15-n. Subparagraph (ii) of paragraph 2 of subdivision d of section  
8 604-f of the retirement and social security law, as added by chapter 582  
9 of the laws of 2001, is amended to read as follows:

10 (ii) [Such] In the case of a participant who is not a New York city  
11 revised plan member, such vested benefit shall become payable on the  
12 earliest date on which such discontinued member could have retired for  
13 service if such discontinuance had not occurred or, in the case of a  
14 participant who is a New York city revised plan member, such vested  
15 benefit shall become payable at age sixty-five.

16 § 15-o. Paragraph 1 of subdivision d of section 604-g of the retire-  
17 ment and social security law, as added by chapter 414 of the laws of  
18 2002, is amended to read as follows:

19 1. A participant in the twenty-five year/age fifty retirement program:

20 (i) who discontinues service as such a participant, other than by  
21 death or retirement; and

22 (ii) in the case of a participant who is not a New York city revised  
23 plan member, who prior to such discontinuance, completed five but less  
24 than twenty-five years of credited service or, in the case of a partic-  
25 ipant who is a New York city revised plan member, who prior to such  
26 discontinuance, completed twelve but less than twenty-five years of  
27 credited service; and

1 (iii) who, subject to the provisions of paragraph seven of subdivision  
2 e of this section, has paid, prior to such discontinuance, all addi-  
3 tional member contributions and interest (if any) required by subdivi-  
4 sion e of this section; and

5 (iv) who does not withdraw in whole or in part his or her accumulated  
6 member contributions pursuant to section six hundred thirteen of this  
7 article unless such participant thereafter returns to public service and  
8 repays the amounts so withdrawn, together with interest, pursuant to  
9 such section six hundred thirteen; shall be entitled to receive a  
10 deferred vested benefit as provided in this subdivision.

11 § 15-p. Subparagraph (ii) of paragraph 2 of subdivision d of section  
12 604-g of the retirement and social security law, as added by chapter 414  
13 of the laws of 2002, is amended to read as follows:

14 (ii) [Such] In the case of a participant who is not a New York city  
15 revised plan member, such vested benefit shall become payable on the  
16 earliest date on which such discontinued member could have retired for  
17 service if such discontinuance had not occurred or, in the case of a  
18 participant who is a New York city revised plan member, such vested  
19 benefit shall become payable at age sixty-five.

20 § 15-q. Paragraph 1 of subdivision d of section 604-h of the retire-  
21 ment and social security law, as added by chapter 682 of the laws of  
22 2003, is amended to read as follows:

23 1. A participant in the twenty-five year retirement program:

24 (i) who discontinues service as such a participant, other than by  
25 death or retirement; and

26 (ii) in the case of a participant who is not a New York city revised  
27 plan member, who prior to such discontinuance, completed five but less  
28 than twenty-five years of credited service or, in the case of a partic-

1 ipant who is a New York city revised plan member, who prior to such  
2 discontinuance, completed twelve but less than twenty-five years of  
3 credited service; and

4 (iii) who, subject to the provisions of paragraph seven of subdivision  
5 e of this section, has paid, prior to such discontinuance, all addi-  
6 tional member contributions and interest (if any) required by subdivi-  
7 sion e of this section; and

8 (iv) who does not withdraw in whole or in part his or her accumulated  
9 member contributions pursuant to section six hundred thirteen of this  
10 article unless such participant thereafter returns to public service and  
11 repays the amounts so withdrawn, together with interest, pursuant to  
12 such section six hundred thirteen; shall be entitled to receive a  
13 deferred vested benefit as provided in this subdivision.

14 § 15-r. Subparagraph (ii) of paragraph 2 of subdivision d of section  
15 604-h of the retirement and social security law, as added by chapter 682  
16 of the laws of 2003, is amended to read as follows:

17 (ii) [Such] In the case of a participant who is not a New York city  
18 revised plan member, such vested benefit shall become payable on the  
19 earliest date on which such discontinued member could have retired for  
20 service if such discontinuance had not occurred or, in the case of a  
21 participant who is a New York city revised plan member, such vested  
22 benefit shall become payable at age sixty-five.

23 § 15-s. Subdivision b of section 604-i of the retirement and social  
24 security law is amended by adding a new paragraph 5-a to read as  
25 follows:

26 5-a. Notwithstanding any other provision of this subdivision or any  
27 other provision of law to the contrary, no member who becomes subject to  
28 the provisions of this article on or after the effective date of this

1 paragraph shall be a participant in the age fifty-five retirement  
2 program.

3 § 16. Subdivisions a, b, c and d of section 608 of the retirement and  
4 social security law, subdivision a as amended by chapter 379 of the laws  
5 of 1986, subdivisions b and c as amended by chapter 286 of the laws of  
6 2010 and subdivision d as added by chapter 749 of the laws of 1992, are  
7 amended to read as follows:

8 a. [A] For members who first become members of a public retirement  
9 system of the state before July first, two thousand eleven, a member's  
10 final average salary shall be the average wages earned by such a member  
11 during any three consecutive years which provide the highest average  
12 wage; provided, however, if the wages earned during any year included in  
13 the period used to determine final average salary exceeds that of the  
14 average of the previous two years by more than ten percent, the amount  
15 in excess of ten percent shall be excluded from the computation of final  
16 average salary. For members who first become members of the New York  
17 state and local employees' retirement system or the New York state  
18 teachers' retirement system on or after July first, two thousand eleven,  
19 a member's final average salary shall be the average wages earned by  
20 such member during any five consecutive years which provide the highest  
21 average wage; provided, however, if the wages earned during any year  
22 included in the period used to determine final average salary exceeds  
23 that of the average of the previous four years by more than eight  
24 percent, the amount in excess of eight percent shall be excluded from  
25 the computation of final average salary. Where the period used to deter-  
26 mine final average salary is the period which immediately precedes the  
27 date of retirement, any month or months (not in excess of twelve) which  
28 would otherwise be included in computing final average salary but during



1 which the member was on authorized leave of absence at partial pay or  
2 without pay shall be excluded from the computation of final average  
3 salary and the month or an equal number of months immediately preceding  
4 such period shall be substituted in lieu thereof.

5 b. Notwithstanding the provisions of subdivision a of this section,  
6 with respect to members who first became members of the New York state  
7 and local employees' retirement system and the New York city teachers'  
8 retirement system before July first, two thousand eleven, a member's  
9 final average salary shall be equal to one-third of the highest total  
10 wages earned by such member during any continuous period of employment  
11 for which the member was credited with three years of service credit;  
12 provided, however, if the wages earned during any year of credited  
13 service included in the period used to determine final average salary  
14 exceeds the average of the wages of the previous two years of credited  
15 service by more than ten percent, the amount in excess of ten percent  
16 shall be excluded from the computation of final average salary. With  
17 respect to members who first become members of the New York state and  
18 local employees' retirement system and the New York city teachers'  
19 retirement system on or after July first, two thousand eleven, a  
20 member's final average salary shall be equal to one-fifth of the highest  
21 total wages earned by such member during any continuous period of  
22 employment for which the member was credited with five years of service  
23 credit; provided, however, if the wages earned during any year of cred-  
24 ited service included in the period used to determine final average  
25 salary exceeds the average of the wages of the previous four years of  
26 credited service by more than eight percent, the amount in excess of  
27 eight percent shall be excluded from the computation of final average  
28 salary.

1 c. Notwithstanding the provisions of subdivisions a and b of this  
2 section, the final average salary of an employee who has been a member  
3 of the New York city employees' retirement system or the New York city  
4 teachers' retirement system for less than one year shall be the project-  
5 ed one year salary, with the calculation based upon a twelve month  
6 projection of the sums earned in the portion of the year worked. If a  
7 member has been employed for more than one year but less than two years,  
8 then the member's final average salary shall be the average of the first  
9 year and projected second year earnings based upon the calculation  
10 above, and if more than two years, but less than three years, then one-  
11 third the total of the first two years of employment plus the projected  
12 third year's earnings, calculated as indicated above, provided that this  
13 subdivision shall not apply to a New York city revised plan member of  
14 the New York city employees' retirement system or a New York city  
15 revised plan member of the New York city teachers' retirement system.

16 d. Subject to the provisions of subdivision c of this section, and  
17 notwithstanding the provisions of subdivision a of this section, with  
18 respect to members of the New York city employees' retirement system and  
19 the New York city board of education retirement system who are subject  
20 to the provisions of this article, a member's final average salary shall  
21 be determined pursuant to the provisions of paragraph fourteen of subdi-  
22 vision e of section 13-638.4 of the administrative code of the city of  
23 New York, provided, however, that the applicable provisions and limita-  
24 tions of the term "wages", as defined in subdivision 1 of section six  
25 hundred one of this article, shall apply to such determinations of final  
26 average salary.

1 § 17. Paragraph 2 of subdivision b of section 609 of the retirement  
2 and social security law, as amended by section 8-c of part B of chapter  
3 504 of the laws of 2009, is amended to read as follows:

4 2. Previous service credit shall not be granted unless such member  
5 applies therefor and repays the amount refunded by a public retirement  
6 system of the state for service rendered after July first, nineteen  
7 hundred seventy-six together with interest through the date of repayment  
8 at the rate of five percent per annum compounded annually and three  
9 percent of the wages earned for service prior to that date together with  
10 interest from July first, nineteen hundred seventy-six through the date  
11 of payment at the rate of five percent per annum compounded annually and  
12 three percent of the wages earned for service which predates the date of  
13 entry into the retirement system together with interest at the rate of  
14 five percent per annum compounded annually from the date of such service  
15 until the date of payment. Anything in this paragraph to the contrary  
16 notwithstanding, in order to obtain credit for previous service, members  
17 who first join the New York state teachers' retirement system on or  
18 after January first, two thousand ten shall pay three and one-half  
19 percent of wages earned for service which predates the date of entry  
20 into the retirement system together with interest at the rate of five  
21 percent per annum compounded annually from the date of such service  
22 until the date of payment. Anything in this paragraph to the contrary  
23 notwithstanding, in order to obtain credit for previous service, members  
24 who first join a public retirement system of the state on or after July  
25 first, two thousand eleven shall pay six percent of wages earned for  
26 service which predates the date of entry into the retirement system  
27 together with interest at the rate of five percent per annum compounded  
28 annually from the date of such service until the date of payment.

1 § 17-a. Section 609 of the retirement and social security law is  
2 amended by adding a new subdivision h to read as follows:

3 h. Notwithstanding any other provision of law to the contrary, a New  
4 York city revised plan member shall not receive service credit for any  
5 undocumented sick leave that may be credited toward terminal leave.

6 § 18. Subdivisions a and a-1 of section 612 of the retirement and  
7 social security law, subdivision a as separately amended by section 9 of  
8 part B and section 3 of part C of chapter 504 of the laws of 2009, and  
9 subdivision a-1 as added by section 4 of part C of chapter 504 of the  
10 laws of 2009, are amended to read as follows:

11 a. Except as provided in subdivision a-1 of this section, a member who  
12 has five or more years of credited service, or ten or more years of  
13 credited service for a member who first joined the New York state and  
14 local employees' retirement system or the New York state teachers'  
15 retirement system on or after January first, two thousand ten, upon  
16 termination of employment, other than a member who is entitled to a  
17 deferred vested benefit pursuant to any other provision of this article,  
18 shall be entitled to a deferred vested benefit at normal retirement age  
19 computed in accordance with the provisions of section six hundred four  
20 of this article. Except as provided in subdivision a-1 of this section,  
21 a member of a teachers' retirement system or the New York state and  
22 local employees' retirement system who has five or more years of credit-  
23 ed service, or ten or more years of credited service for a member who  
24 first becomes a member of the New York state and local employees'  
25 retirement system or the New York state teachers' retirement system on  
26 or after January first, two thousand ten, upon termination of employment  
27 shall be entitled to a deferred vested benefit prior to normal retire-  
28 ment age, but no earlier than age fifty-five, computed in accordance

1 with the provisions of subdivision i of section six hundred three of  
2 this article as amended by section eight of part B of chapter five  
3 hundred four of the laws of two thousand nine. Anything to the contrary  
4 notwithstanding, a member of a public retirement system of the state who  
5 first became a member of such system on or after July first, two thou-  
6 sand eleven must have at least twelve years of credited service in order  
7 to qualify for a deferred vested benefit under this section; such member  
8 shall not be entitled to such benefit prior to the member's attainment  
9 of age sixty-five; and such deferred vested benefit shall be computed  
10 pursuant to subdivision b-one of section six hundred four of this arti-  
11 cle.

12 a-1. Notwithstanding the provisions of subdivision a of this section  
13 or any other provision of law to the contrary, (i) a member of the New  
14 York city teachers' retirement system who holds a position represented  
15 by the recognized teacher organization for collective bargaining  
16 purposes, who became subject to the provisions of this article after the  
17 effective date of this subdivision, and who has ten or more years of  
18 credited service, or (ii) a member of the New York city board of educa-  
19 tion retirement system who holds a position represented by the recog-  
20 nized teacher organization for collective bargaining purposes, who  
21 became subject to the provisions of this article after the effective  
22 date of this subdivision, and who has ten or more years of credited  
23 service, other than such a member of either of such retirement systems  
24 who is entitled to a deferred vested benefit pursuant to any other  
25 provision of this article, shall, upon termination of employment, be  
26 entitled to a deferred vested benefit at normal retirement age computed  
27 in accordance with the provisions of section six hundred four of this  
28 article. Notwithstanding the provisions of subdivision a of this

1 section or any other provision of law to the contrary, a member of the  
2 New York city teachers' retirement system who holds a position repres-  
3 ented by the recognized teacher organization for collective bargaining  
4 purposes, who became subject to the provisions of this article after the  
5 effective date of this subdivision, and who has ten or more years of  
6 credited service, shall, upon termination of employment, be entitled to  
7 a deferred vested benefit prior to normal retirement age, but no earlier  
8 than age fifty-five, computed in accordance with the provisions of  
9 subdivision i of section six hundred three of this article, provided,  
10 however, that any such member of either of such retirement systems who  
11 is a New York city revised plan member shall be required to have at  
12 least twelve years of credited service in order to be eligible for a  
13 deferred vested benefit, such member shall not be entitled to payability  
14 of such benefit prior to attainment of age sixty-five and such deferred  
15 vested benefit shall be computed pursuant to subdivision b-one of  
16 section six hundred four of this article.

17 § 19. Paragraphs 1 and 2 of subdivision a and subdivisions c, f and g  
18 of section 613 of the retirement and social security law, paragraph 1 of  
19 subdivision a as amended and paragraph 2 of subdivision a as added by  
20 chapter 10 of the laws of 2000, subdivision c as amended by chapter 389  
21 of the laws of 1998, and subdivisions f and g as added by section 9-a of  
22 part B of chapter 504 of the laws of 2009, are amended to read as  
23 follows:

24 1. Except as provided by paragraph two of this subdivision, members  
25 shall contribute three percent of annual wages to the retirement system  
26 in which they have membership, except that members who first become  
27 members of a public retirement system of the state on or after July  
28 first, two thousand eleven shall contribute six percent of annual wages

1 to the retirement system. The head of each retirement system shall  
2 promulgate such regulations as may be necessary and appropriate with  
3 respect to the deduction of such contribution from members' wages and  
4 for the maintenance of any special fund or funds with respect to amounts  
5 so contributed.

6 2. A member of the New York city employees' retirement system who is  
7 eligible to be a participant in the twenty-five-year and age fifty-five  
8 retirement program, as defined by paragraph five of subdivision a of  
9 section six hundred four-b of this article shall contribute two percent  
10 of annual wages to such system effective on the starting date of the  
11 elimination of additional member contributions, as defined in an  
12 election made pursuant to paragraph ten of subdivision e of section six  
13 hundred four-b of this article, provided, however, that such a member  
14 who is a New York city revised plan member shall contribute six percent  
15 of annual wages to such system.

16 c. Notwithstanding any other provision of law to the contrary, a  
17 person whose membership in a public retirement system has terminated  
18 other than as a result of transfer, retirement or death, or a member of  
19 a public retirement system who is not vested and not entitled to any  
20 other benefit from such system under this article, and who no longer is  
21 employed by a participating employer of such public retirement system in  
22 a position upon which his or her membership is based, may withdraw his  
23 or her member contributions by filing a written demand for withdrawal of  
24 contributions and membership pursuant to rules and regulations promul-  
25 gated by the public retirement system of which he or she is a member.  
26 Upon the death of a person whose membership previously terminated due to  
27 lack of credited service and who did not withdraw his or her member  
28 contributions, or upon the death of a member, provided a death benefit

1 pursuant to section six hundred seven of this article is not paid, the  
2 member contributions of such person shall be refunded to such person as  
3 he or she shall have nominated to receive a death benefit by written  
4 designation duly executed and filed with the public retirement system  
5 or, in the absence of such designation, to his or her estate. For  
6 purposes of such refunds, interest shall be credited at the rate of five  
7 percent per annum compounded annually to the date of termination of  
8 membership. Provided, however, if a death benefit is paid pursuant to  
9 section six hundred seven of this article, such benefit shall be in lieu  
10 of the refund of such contributions pursuant to this subdivision, howev-  
11 er, in no event shall such death benefit be less than the amount payable  
12 pursuant to this subdivision. Notwithstanding the above, or any other  
13 provision of law to the contrary, a member may, upon separation from  
14 service of the state or a participating employer, withdraw his or her  
15 member contributions pursuant to the applicable provision of law until  
16 such date as such individual has accrued ten years of credited service  
17 in such system. However, the withdrawal of contributions pursuant to  
18 this section by an individual who has accrued at least five years of  
19 creditable service shall terminate his or her membership and all rights  
20 in such retirement system in the same manner as withdrawal of contrib-  
21 utions would terminate the membership of an individual who has not  
22 attained vested status. Nothing in this section shall be construed as  
23 permitting an individual who has accrued at least ten years of credit in  
24 a retirement system to withdraw member contributions, or twelve years of  
25 credit in a public retirement system of the state for members who first  
26 become members of a public retirement system of the state on or after  
27 July first, two thousand eleven.



1 f. Anything in subdivision a of this section to the contrary notwith-  
2 standing a member employed as a uniformed court officer or peace officer  
3 in the unified court system who first joins the New York state and local  
4 employees' retirement system on or after January first, two thousand ten  
5 shall contribute four percent of annual wages to the New York state and  
6 local employees' retirement system, provided however that such employees  
7 who first become members of the New York state and local employees'  
8 retirement system on or after July first, two thousand eleven shall  
9 contribute six percent of annual wages to the New York state and local  
10 employees' retirement system. The head of the New York state and local  
11 employees' retirement system shall promulgate such regulations as may be  
12 necessary and appropriate with respect to the deduction of such contrib-  
13 ution from members' wages and for the maintenance of any special fund or  
14 funds with respect to amounts so contributed.

15 g. Members who first join the New York state teachers' retirement  
16 system on or after January first, two thousand ten shall contribute  
17 three and one-half percent of annual wages to the New York state teach-  
18 ers' retirement system, provided however that such employees who first  
19 become members of the New York state teachers' retirement system on or  
20 after July first, two thousand eleven shall contribute six percent of  
21 annual wages to the New York state teachers' retirement system. The  
22 head of the New York state teachers' retirement system shall promulgate  
23 such regulations as may be necessary and appropriate with respect to the  
24 deduction of such contribution from members' wages and for the mainte-  
25 nance of any special fund or funds with respect to amounts so contrib-  
26 uted.

1 § 19-a. Section 650 of the retirement and social security law, as  
2 amended by chapter 746 of the laws of 1989, is amended to read as  
3 follows:

4 § 650. Application. This article shall apply to a member of the New  
5 York city employees' retirement system (i) who holds the position of  
6 bridge and tunnel officer, sergeant or lieutenant with the Triborough  
7 bridge and tunnel authority, and has received or receives an appointment  
8 to at least one such position from a competitive civil service list; or  
9 (ii) who holds the position of assistant bridge and tunnel maintainer,  
10 bridge and tunnel maintainer, senior bridge and tunnel maintainer or  
11 laborer with the Triborough bridge and tunnel authority, provided,  
12 however, that this article shall not apply to a New York city revised  
13 plan member (as defined in subdivision m of section six hundred one of  
14 this chapter).

15 § 19-b. Paragraphs 1 and 1-a of subdivision b of section 911 of the  
16 retirement and social security law, paragraph 1 as amended by section 5  
17 and paragraph 1-a as added by section 6 of part C of chapter 504 of the  
18 laws of 2009, are amended to read as follows:

19 1. Subject to the provisions of paragraph one-a of this subdivision,  
20 and except as provided in paragraph one-b of this subdivision, an eligi-  
21 ble member (i) with a date of membership in a retirement system on or  
22 after July twenty-seventh, nineteen hundred seventy-six and (ii) who has  
23 ten or more years of membership or ten or more years of credited service  
24 with a retirement system under the provisions of article fourteen or  
25 fifteen of this chapter shall not be required to contribute to a retire-  
26 ment system pursuant to section five hundred seventeen or six hundred  
27 thirteen of this chapter as of the cessation date.

1 1-a. Notwithstanding the provisions of paragraph one of this subdivi-  
2 sion or any other provision of law to the contrary, and except as  
3 provided in paragraph one-b of this subdivision, a member of the New  
4 York city teachers' retirement system or the New York city board of  
5 education retirement system:

6 (i) who is a twenty-seven year participant in the age fifty-five  
7 retirement program (as defined in paragraph twelve of subdivision a of  
8 section six hundred four-i of this chapter), and

9 (ii) who becomes subject to the provisions of article fifteen of this  
10 chapter after the effective date of this paragraph, shall contribute to  
11 a retirement system pursuant to section six hundred thirteen of this  
12 chapter until he or she has completed twenty-seven years of credited  
13 service.

14 § 19-c. Subdivision b of section 911 of the retirement and social  
15 security law is amended by adding a new paragraph 1-b to read as  
16 follows:

17 1-b. The provisions of this subdivision shall not apply to a New York  
18 city uniformed correction/sanitation revised plan member (as defined in  
19 subdivision twenty-five of section five hundred one of this chapter), an  
20 investigator revised plan member (as defined in subdivision twenty-seven  
21 of section five hundred one of this chapter) or a New York city revised  
22 plan member (as defined in subdivision m of section six hundred one of  
23 this chapter).

24 § 20. Section 1000 of the retirement and social security law is  
25 amended by adding a new subdivision 10 to read as follows:

26 10. Anything to the contrary in subdivision four of this section  
27 notwithstanding, to obtain such credit, a member who first joins a  
28 public retirement system of the state on or after July first, two thou-

1 sand eleven shall pay such retirement system, for deposit in the fund  
2 used to accumulate employer contributions, a sum equal to the product of  
3 the number of years of military service being claimed and six percent of  
4 such member's compensation earned during the twelve months of credited  
5 service immediately preceding the date that the member made application  
6 for credit pursuant to this section.

7 § 21. Subdivision a of section 1202 of the retirement and social secu-  
8 rity law, as added by section 1 of part A of chapter 504 of the laws of  
9 2009, is amended and a new subdivision c is added to read as follows:

10 a. In order to qualify for a service retirement benefit, members  
11 subject to the provisions of this article must have a minimum of ten  
12 years of creditable service, except that a member who first becomes a  
13 member of the retirement system on or after July first, two thousand  
14 eleven shall not be eligible for service retirement benefits pursuant to  
15 this article until such member has rendered a minimum of twelve years of  
16 credited service.

17 c. In no event shall the vested retirement allowance payable without  
18 optional modification be less than the actuarial equivalent of the total  
19 which results from the member's contributions accumulated with interest  
20 at five percent per annum compounded annually to the date of retirement.

21 § 22. Section 1204 of the retirement and social security law, as added  
22 by section 1 of part A of chapter 504 of the laws of 2009, is amended to  
23 read as follows:

24 § 1204. Member contributions. Members who are subject to the  
25 provisions of this article shall contribute three percent of annual  
26 wages to the retirement system in which they have membership, provided,  
27 however, that members who first become members of the retirement system  
28 on or after July first, two thousand eleven shall contribute six percent

1 of annual wages to the retirement system in which they have membership.  
2 Members who are enrolled in a retirement plan that limits the amount of  
3 creditable service a member can accrue shall not be required to make  
4 contributions pursuant to this section after accruing the maximum amount  
5 of service credit allowed by the retirement plan in which they are  
6 enrolled. The state comptroller shall promulgate such regulations as may  
7 be necessary and appropriate with respect to the deduction of such  
8 contribution from members' wages and for the maintenance of any special  
9 fund or funds with respect to amounts so contributed. In no way shall  
10 the member contributions made pursuant to this section be used to  
11 provide for pension increases or annuities of any kind.

12 § 23. The retirement and social security law is amended by adding a  
13 new section 1207 to read as follows:

14 § 1207. Final average salary. For members who first become members of  
15 the New York state and local police and fire retirement system on or  
16 after July first, two thousand eleven, a member's final average salary  
17 shall be equal to one-fifth of the highest total wages earned by such  
18 member during any continuous period of employment for which the member  
19 was credited with five years of service credit; provided, however, if  
20 the wages earned during any year of credited service included in the  
21 period used to determine final average salary exceeds the average of the  
22 wages of the previous four years of credited service by more than eight  
23 percent, the amount in excess of eight percent shall be excluded from  
24 the computation of final average salary. Wages in excess of the annual  
25 salary paid to the governor pursuant to section three of article four of  
26 the state constitution shall be excluded from the computation of final  
27 average salary for members who first become members of the New York

1 state and local police and fire retirement system on or after July  
2 first, two thousand eleven.

3 § 24. The retirement and social security law is amended by adding a  
4 new section 1208 to read as follows:

5 § 1208. Wages. For members who first become members of the New York  
6 state and local police and fire retirement system on or after July  
7 first, two thousand eleven, the following items shall not be included in  
8 the definition of wages: a. overtime compensation paid under any law or  
9 policy under which employees are paid at a rate greater than their stan-  
10 dard rate for additional hours beyond that required, including section  
11 one hundred thirty-four of the civil service law and section ninety of  
12 the general municipal law, b. wages in excess of the annual salary paid  
13 to the governor pursuant to section three of article four of the state  
14 constitution, c. lump sum payments for deferred compensation, sick  
15 leave, accumulated vacation or other credits for time not worked, d. any  
16 form of termination pay, and e. any additional compensation paid in  
17 anticipation of retirement.

18 § 25. Subdivisions 1 and 2 of section 182 of the education law, as  
19 added by chapter 1076 of the laws of 1968 and subdivision 1 as amended  
20 by chapter 63 of the laws of 1993, are amended to read as follows:

21 1. Employer contributions. In the case of any electing employee  
22 initially appointed on or before June thirtieth, nineteen hundred nine-  
23 ty-two, the state shall, during continuance of his employment, make  
24 contributions at the rate of nine percentum of that portion of his state  
25 salary upon which contributions are or may hereafter be paid to the  
26 secretary of the treasury of the United States pursuant to article three  
27 of the retirement and social security law and at the rate of twelve  
28 percentum of that portion of his state salary above said amount, out of

1 moneys which shall be appropriated to the department for such purpose.  
2 In the case of any electing employee initially appointed on or after  
3 July first, nineteen hundred ninety-two, the state shall, during contin-  
4 uance of his employment, make contributions at the rate of eight percent-  
5 tum of his state salary during the first seven years of such employment  
6 and at the rate of ten percentum of his state salary, thereafter, out of  
7 moneys which shall be appropriated to the department for such purpose.  
8 In the case of any electing employee initially appointed on or after  
9 July first, two thousand eleven, the state shall, during continuance of  
10 his or her employment, make contributions at the rate of four percentum  
11 of his or her state salary out of moneys which shall be appropriated to  
12 the department for such purpose. For electing employees appointed on or  
13 after July first, two thousand eleven, the state shall make additional  
14 contributions equal to the contribution made by each electing employee,  
15 provided, however that such additional contributions shall not exceed  
16 three percent of each electing employee's annual wages. For purposes of  
17 this subdivision, that portion of the employee's salary upon which  
18 contributions are paid to the secretary of the treasury of the United  
19 States pursuant to article three of the retirement and social security  
20 law shall not exceed sixteen thousand five hundred dollars.

21 2. Employee contributions. In the case of any electing employee,  
22 contributions at the rate of three percentum of his state salary shall  
23 be deducted by the state comptroller as the employee contribution,  
24 provided, however, no employee contributions shall be required for any  
25 electing employee initially appointed on or after July first, two thou-  
26 sand eleven, provided however, that such employee contribution shall be  
27 made by the state in accordance with subdivision one of this section  
28 during such period as (a) either section seventy-a of the retirement and

1 social security law or section five hundred twenty-eight of the educa-  
2 tion law provides that the contribution of each member of the New York  
3 state employees' retirement system or the New York state teachers'  
4 retirement system in the employ of the state shall be reduced by at  
5 least eight percentum of his compensation, or (b) employee contributions  
6 to either such system are no longer required by reason of such system  
7 becoming noncontributory for state employees.

8 § 26. Subdivisions 1 and 2 of section 392 of the education law, as  
9 amended by chapter 63 of the laws of 1993 and paragraph (c) of subdivi-  
10 sion 2 as added by chapter 617 of the laws of 2007, are amended to read  
11 as follows:

12 1. Employer contributions. In the case of any electing employee  
13 initially appointed on or before June thirtieth, nineteen hundred nine-  
14 ty-two, the state, with respect to employees of state university, and  
15 the electing employer, with respect to employees of a community college,  
16 shall, during continuance of his employment, make contributions at the  
17 rate of nine percentum of that portion of his salary upon which contrib-  
18 utions, if any, are or may hereafter be paid to the secretary of the  
19 treasury of the United States pursuant to article three of the retire-  
20 ment and social security law and at the rate of twelve percentum of any  
21 portion of his salary upon which such contributions are not paid, out of  
22 monies which shall be appropriated to state university or which shall be  
23 available to the electing employer for such purpose. In the case of any  
24 electing employee initially appointed on or after July first, nineteen  
25 hundred ninety-two, the state, with respect to employees of the state  
26 university and the electing employer, with respect to employees of a  
27 community college, shall, during continuance of his employment, make  
28 contributions at the rate of eight percentum of his salary during the



1 first seven years of such employment and at the rate of ten percentum of  
2 his salary thereafter, out of monies which shall be appropriated to the  
3 state university or which shall be available to the electing employer  
4 for such purpose. In the case of any electing employee initially  
5 appointed on or after July first, two thousand eleven, the state, with  
6 respect to employees of the state university and the electing employer,  
7 with respect to employees of a community college, shall, during contin-  
8 uance of his employment, make contributions at the rate of four percent-  
9 tum of his salary out of monies which shall be appropriated to the state  
10 university or which shall be available to the electing employer for such  
11 purpose. For electing employees initially appointed on or after July  
12 first, two thousand eleven, the state shall make additional contrib-  
13 utions equal to the contribution made by each electing employee,  
14 provided, however that such additional contributions shall not exceed  
15 three percent of each electing employee's annual wages. For purposes of  
16 this subdivision, that portion of the employee's salary upon which  
17 contributions are or may thereafter be paid to the secretary of the  
18 treasury of the United States pursuant to article three of the retire-  
19 ment and social security law shall be deemed not to exceed sixteen thou-  
20 sand five hundred dollars.

21 2. Employee contributions. (a) In the case of any electing employee,  
22 contributions at the rate of three percentum of his salary shall be  
23 deducted as the employee contribution by the comptroller, or by the  
24 appropriate fiscal officer with respect to an electing employer,  
25 provided, however, that no employee contributions shall be required for  
26 any electing employee initially appointed on or after July first, two  
27 thousand eleven, provided however, that such employee contribution shall  
28 be made by (i) the state for employees other than those employed by an

1 electing employer in accordance with subdivision one of this section  
2 during such period as (a) either section seventy-a of the retirement and  
3 social security law or section five hundred twenty-eight of this title  
4 provides that the contribution of each member of the New York state  
5 employees' retirement system or the New York state teachers' retirement  
6 system in the employ of the state shall be reduced by at least eight  
7 percentum of his compensation or (b) employee contributions to either  
8 such system are no longer required by reason of such system becoming  
9 noncontributory for state employees, or (ii) by the electing employer in  
10 accordance with subdivision one of this section during such period as  
11 the contributions of any members of either the New York state employees'  
12 retirement system or the New York state teachers' retirement system or  
13 of any other public retirement system in this state in its employ shall  
14 (a) be reduced by at least eight percentum of their compensation in  
15 accordance with section seventy-a of the retirement and social security  
16 law or section five hundred twenty-nine of this title or section B3-36.1  
17 or section B20-41.1 of the administrative code of the city of New York  
18 or (b) employee contributions to any such system of which any of its  
19 employees are members are no longer required by reasons of such system  
20 becoming non contributory for such employees; and provided further,  
21 however, that such employee contribution with respect to the fiscal year  
22 of the city of New York beginning on July first, nineteen hundred seven-  
23 ty-two and ending on June thirtieth, nineteen hundred seventy-three  
24 shall be made by the electing employer in the case of any electing  
25 employee who is employed by a community college operated in such city,  
26 notwithstanding any of the foregoing provisions of this subdivision to  
27 the contrary.

1 (b) Notwithstanding any provision of paragraph (a) of this subdivision  
2 or any other provision of law to the contrary, but subject to the  
3 provisions of subdivision d of section six hundred thirteen of the  
4 retirement and social security law, in the case of any electing employee  
5 initially appointed on or after July first, nineteen hundred ninety-two  
6 who is employed by a community college subject to the provisions of this  
7 article which is operated in the city of New York, contributions at the  
8 rate of three percentum of his or her salary shall be deducted as the  
9 employee contribution by the appropriate fiscal officer with respect to  
10 such community college, provided, however, that for employees initially  
11 appointed on or after July first, two thousand eleven, no required  
12 employee contributions shall be deducted as the employee contribution by  
13 the appropriate fiscal office with respect to such community college.

14 (c) Notwithstanding any other provision of this section or any other  
15 law to the contrary, (1) on and after April first, two thousand eight  
16 for a member who joined the optional retirement program established  
17 pursuant to this article before July first, two thousand eleven and who  
18 has ten or more years of membership in such optional retirement program,  
19 the state shall contribute one-third of the three percent employee  
20 contribution required pursuant to the provisions of this section on  
21 behalf of such employee; and (2) on and after April first, two thousand  
22 nine for a member who joined the optional retirement program established  
23 pursuant to this article before July first, two thousand eleven and who  
24 has ten or more years of membership in such optional retirement program,  
25 the state shall contribute two-thirds of the three percent employee  
26 contribution required pursuant to the provisions of this section on  
27 behalf of such employee; and (3) on and after April first, two thousand  
28 ten for a member who joined the optional retirement program established

1 pursuant to this article before July first, two thousand eleven and who  
2 has ten or more years of membership in such optional retirement program,  
3 the state shall contribute the three percent employee contribution  
4 required pursuant to the provisions of this section on behalf of such  
5 employee. The provisions of this paragraph shall not apply to any  
6 electing employee who becomes a member of the optional retirement  
7 program on or after July first, two thousand eleven.

8 § 27. Subdivisions 1 and 2 of section 6252 of the education law, as  
9 amended by chapter 63 of the laws of 1993 and paragraph (c) of subdivi-  
10 sion 2 as added by chapter 617 of the laws of 2007, are amended to read  
11 as follows:

12 1. Employer contributions. In the case of any electing employee  
13 initially appointed on or before June thirtieth, nineteen hundred nine-  
14 ty-two, the city shall, during continuance of his employment, makes  
15 contributions at the rate of nine percentum of that portion of his city  
16 salary upon which contributions are or may hereafter be paid to the  
17 secretary of the treasury of the United States pursuant to article three  
18 of the retirement and social security law and at the rate of twelve  
19 percentum of that portion of his city salary above said amount, out of  
20 monies which shall be appropriated to the city university for such  
21 purposes. In the case of any electing employee initially appointed on or  
22 after July first, nineteen hundred ninety-two, the city shall, during  
23 continuance of his employment, make contributions at the rate of eight  
24 percentum of his city salary during the first seven years of such  
25 employment and at the rate of ten percentum of his city salary, there-  
26 after, out of monies which shall be appropriated to the city university  
27 for such purpose. In the case of any electing employee initially  
28 appointed on or after July first, two thousand eleven, the city shall,

1 during continuance of his employment, make contributions at the rate of  
2 four percentum of his city salary out of monies which shall be appropri-  
3 ated to the city university for such purpose. For electing employees  
4 initially appointed on or after July first, two thousand eleven, the  
5 state shall make additional contributions equal to the contribution made  
6 by each electing employee, provided, however, that such additional  
7 contributions shall not exceed three percent of each electing employee's  
8 annual wages. For purposes of this subdivision, that portion of the  
9 employee's salary upon which contributions are or may thereafter be paid  
10 to the secretary of the treasury of the United States pursuant to arti-  
11 cle three of the retirement and social security law shall be deemed not  
12 to exceed sixteen thousand five hundred dollars.

13 2. Employee contributions. (a) In the case of any electing employee,  
14 contributions at the rate of three percentum of his city salary shall be  
15 deducted as the employee contribution by the comptroller, provided,  
16 however, that no employee contributions shall be required for any elect-  
17 ing employee initially appointed on or after July first, two thousand  
18 eleven, provided however that such employee contribution shall be made  
19 by the city in accordance with subdivision one of this section during  
20 such period as either section seventy-a of the retirement and social  
21 security law or section B3-36.1 or section B20-41.1 of the administra-  
22 tive code of the city of New York provides that the contribution of any  
23 member of the New York city employees' retirement system or the New York  
24 city teachers' retirement system in the employ of the city shall be  
25 reduced by at least eight percentum of his compensation; and provided  
26 further, however, that such employee contribution with respect to the  
27 fiscal year of the city beginning on July first, nineteen hundred seven-  
28 ty-two and ending on June thirtieth, nineteen hundred seventy-three

1 shall be made by the city, notwithstanding any of the foregoing  
2 provisions of this subdivision to the contrary.

3 (b) Notwithstanding any provision of paragraph (a) of this subdivision  
4 or any other provision of law to the contrary, but subject to the  
5 provisions of subdivision d of section six hundred thirteen of the  
6 retirement and social security law in the case of any electing employee  
7 initially appointed on or after July first, nineteen hundred ninety-two,  
8 contributions at the rate of three percentum of his or her city salary  
9 shall be deducted as the employee contribution by the comptroller,  
10 provided, however, that for employees initially appointed on or after  
11 July first, two thousand eleven, no required employee contributions  
12 shall be deducted by the comptroller.

13 (c) Notwithstanding any other provision of this section or any other  
14 law to the contrary, (1) on and after April first, two thousand eight  
15 for a member who joined the optional retirement program established  
16 pursuant to this article before July first, two thousand eleven and who  
17 has ten or more years of membership in such optional retirement program,  
18 the city shall contribute one-third of the three percent employee  
19 contribution required pursuant to the provisions of this section on  
20 behalf of such employee; and (2) on and after June first, two thousand  
21 nine for a member who joined the optional retirement program established  
22 pursuant to this article before July first, two thousand eleven and who  
23 has ten or more years of membership in such optional retirement program,  
24 the city shall contribute two-thirds of the three percent employee  
25 contribution required pursuant to the provisions of this section on  
26 behalf of such employee; and (3) on and after June first, two thousand  
27 ten for a member who joined the optional retirement program established  
28 pursuant to this article before July first, two thousand eleven and who

1 has ten or more years of membership in such optional retirement program,  
2 the city shall contribute the three percent employee contribution  
3 required pursuant to the provisions of this section on behalf of such  
4 employee. The provisions of this paragraph shall not apply to any  
5 electing employee who becomes a member of the optional retirement  
6 program on or after July first, two thousand eleven.

7 § 27-a. Paragraphs (b) and (c) of subdivision 86 of section 13-101 of  
8 the administrative code of the city of New York, as added by chapter 114  
9 of the laws of 1989, are amended to read as follows:

10 (b) In the case of a uniformed force member who is a member of the  
11 uniformed force of the department of sanitation and is not a Tier III  
12 member (as defined in subdivision seventy-three of this section) or a  
13 Tier IV member (as defined in subdivision seventy-six of this section),  
14 the term "normal rate of contribution as a uniformed force member" shall  
15 mean the proportion of such member's earnable compensation required to  
16 be deducted from his or her compensation by the applicable provisions of  
17 sections 13-125, 13-154, 13-159 and 13-160 of this chapter as his or her  
18 member contributions, exclusive of any increase in such contributions  
19 pursuant to subdivision d, e, or f of section 13-125 of this chapter, or  
20 any decrease in such contributions on account of any program for  
21 increased-take-home-pay or pursuant to subdivision one of section one  
22 hundred thirty-eight-b of the retirement and social security law (relat-  
23 ing to election to decrease member contributions by contributions due on  
24 account of social security coverage).

25 (c) In the case of any uniformed force member (1) who is both a member  
26 of the uniformed correction force and a Tier III member, or (2) who is  
27 both a member of the uniformed force of the department of sanitation and  
28 a Tier III member, the term "normal rate of contribution as a uniformed

1 force member" shall mean the percentage of the annual wages of such  
2 member required to be deducted from such member's wages by subdivision a  
3 of section five hundred seventeen of the retirement and social security  
4 law, as his or her member contributions.

5 § 27-b. Paragraph (b) of subdivision 87 of section 13-101 of the  
6 administrative code of the city of New York, as added by chapter 114 of  
7 the laws of 1989, is amended to read as follows:

8 (b) a uniformed force member who is not required to contribute during  
9 such payroll period because he or she is a Tier III member who, having  
10 contributed for thirty years, or who, in the case of a New York city  
11 uniformed correction/sanitation revised plan member (as defined in  
12 subdivision twenty-five of section five hundred one of the retirement  
13 and social security law), having contributed for twenty-five years, has  
14 discontinued member contributions pursuant to subdivision a of section  
15 five hundred seventeen of the retirement and social security law.

16 § 27-c. Paragraph (c) of subdivision 89 of section 13-101 of the  
17 administrative code of the city of New York, as added by chapter 114 of  
18 the laws of 1989, is amended to read as follows:

19 (c) In the case of any contributing uniformed force member who is both  
20 (1) a member of the uniformed correction force (as defined in subdivi-  
21 sion thirty-nine of this section) or the uniformed force of the depart-  
22 ment of sanitation (as defined in subdivision sixty-two of this section)  
23 and (2) a Tier III member (as defined in subdivision seventy-three of  
24 this section), the term "uniformed force member contributions eligible  
25 for pick up by the employer" shall mean the amount which, in the absence  
26 of a pick up program applicable to such member pursuant to section  
27 13-125.1 of this chapter, would be required to be deducted from the  
28 wages of such member for such payroll period pursuant to subdivision a



1 of section five hundred seventeen of the retirement and social security  
2 law as his or her required member contributions for such payroll period.

3 § 27-d. Paragraph 14 of subdivision e of section 13-638.4 of the  
4 administrative code of the city of New York, as added by chapter 749 of  
5 the laws of 1992, is amended to read as follows:

6 (14) (i) Subject to the provisions of subdivision f of this section  
7 and the provisions of subdivision c of section six hundred eight of the  
8 RSSL, where those provisions are applicable, and notwithstanding the  
9 provisions of subdivision a of section six hundred eight of the RSSL,  
10 for a tier IV member of NYCERS who is not a New York city revised plan  
11 member (as defined in subdivision m of section six hundred one of the  
12 RSSL) or for a tier IV member of BERS who is not a New York city revised  
13 plan member, the term "final average salary", as used in article fifteen  
14 of the RSSL, shall be equal to the greater of:

15 [(i)] (A) one-third of the highest total wages earned by such member  
16 during any continuous period of employment for which the member was  
17 credited with three years of service credit; provided that if the wages  
18 earned during any year of credited service included in the period used  
19 to determine final average salary exceeds the average of the wages of  
20 the previous two years of credited service by more than ten percent, the  
21 amount in excess of ten percent shall be excluded from the computation  
22 of final average salary; or

23 [(ii)] (B) the total wages earned during any six consecutive years  
24 from service for which the member received service credit divided by the  
25 amount of such service credit earned during that six-year period,  
26 provided, however, that "wages", as used in this paragraph, shall mean  
27 the applicable provisions and limitations of the term "wages", as  
28 defined in subdivision l of section six hundred one of the RSSL.

1     (ii) Subject to the provisions of subdivision f of this section where  
2 those provisions are applicable, and notwithstanding the provisions of  
3 subdivisions a and c of section six hundred eight of the RSSL, for a  
4 tier IV member of NYCERS who is a New York city revised plan member (as  
5 defined in subdivision m of section six hundred one of the RSSL) or a  
6 tier IV member of BERS who is a New York city revised plan member, the  
7 term "final average salary", as used in article fifteen of the RSSL,  
8 shall be equal to one-fifth of the highest total wages earned by such  
9 member during any continuous period of employment for which the member  
10 was credited with five years of service credit; provided that if the  
11 wages earned during any year of credited service included in the period  
12 used to determine final average salary exceeds the average of the wages  
13 of the previous four years of credited service by more than eight  
14 percent, the amount in excess of eight percent shall be excluded from  
15 the computation of final average salary, provided further that "wages",  
16 as used in this paragraph, shall mean the applicable provisions and  
17 limitations of the term "wages", as defined in subdivision l of section  
18 six hundred one of the RSSL.

19     § 27-e. Nothing contained in sections twenty-seven-a, twenty-seven-b  
20 and twenty-seven-c of this act shall be construed to create any contrac-  
21 tual right with respect to members to whom such sections apply. The  
22 provisions of such sections are intended to afford members the advan-  
23 tages of certain benefits contained in the internal revenue code, and  
24 the effectiveness and existence of such sections and benefits they  
25 confer are completely contingent thereon.

26     § 28. Notwithstanding any provision of law to the contrary, nothing in  
27 this act shall limit the eligibility of any member of an employee organ-  
28 ization to join a special retirement plan open to him or her pursuant to

1 a collectively negotiated agreement with any state or local government  
2 employer, where such agreement is in effect on the effective date of  
3 this act and so long as such agreement remains in effect thereafter;  
4 provided, however, that any such eligibility shall not apply upon termi-  
5 nation of such agreement for employees otherwise subject to the  
6 provisions of article twenty-two of the retirement and social security  
7 law, provided further that this section shall not be construed as  
8 authorizing any member who first joins a public retirement system of the  
9 state (as defined in subdivision twenty-three of section five hundred  
10 one of the retirement and social security law) on or after July first,  
11 two thousand eleven to become a participant in any of the special plans  
12 established by section five hundred four-a, five hundred four-b, five  
13 hundred four-d, six hundred four-a, six hundred four-c (as added by  
14 chapter ninety-six of the laws of nineteen hundred ninety-five), six  
15 hundred four-d or six hundred four-i of the retirement and social secu-  
16 rity law or section 13-157.1 or 13-157.4 of the administrative code of  
17 the city of New York.

18 § 29. No enhancement, increase or other alteration or change in the  
19 benefit structure provided herein shall be authorized.

20 § 30. Severability clause. If any clause, sentence, paragraph, subdi-  
21 vision, section or part of this act shall be adjudged by any court of  
22 competent jurisdiction to be invalid, such judgment shall not affect,  
23 impair, or invalidate the remainder thereof, but shall be confined in  
24 its operation to the clause, sentence, paragraph, subdivision, section  
25 or part thereof directly involved in the controversy in which such judg-  
26 ment shall have been rendered. It is hereby declared to be the intent of  
27 the legislature that this act would have been enacted even if such  
28 invalid provisions had not been included herein.

1    § 31. This act shall take effect July 1, 2011, provided that the  
2 amendments to subdivision a of section 603 of the retirement and social  
3 security law made by section twelve of this act shall be subject to the  
4 expiration and reversion of such subdivision pursuant to section 13 of  
5 chapter 682 of the laws of 2003, as amended, provided, further that the  
6 provisions of sections twenty-seven-a, twenty-seven-b and twenty-seven-c  
7 of this act shall remain in force and effect only so long as, pursuant  
8 to federal law, contributions picked up under such sections are not  
9 includable as gross income of a member for federal income tax purposes  
10 until distributed or made available to the member.

FISCAL NOTE.--Pursuant to Legislative Law, Section 50:

This bill would require new members who first join public retirement systems in New York State on or after July 1, 2011 to become covered under the provisions of a new defined benefit plan.

Insofar as this bill would affect the New York State and Local Employees' Retirement System (ERS), the significant design changes to the defined benefit plan include:

1. Employee contributions of 6% of pay for all years of service, except state correction officer contributions would be limited to 30 years of service,

2. The service retirement benefit would be one-sixtieth of FAS for the first 30 years of creditable service, and 1.5% of FAS in excess of 30 years,

3. Members in regular plans (those that require attainment of a certain age as opposed to those that require the accumulation of a certain amount of service credit) must attain age 65 before they may receive a service retirement benefit,

4. Final average salary (FAS) would be based on a 5 year average, with no year's salary permitted to exceed 8% of the average of the previous 4 year's salary,

5. Annual overtime paid at a rate greater than the standard rate of pay would not be included in the definition of wages and final average salary,

6. Reportable salary may not exceed the salary of the Governor of the state of New York, which currently is set in law to be \$179,000 (the reportable salary would change when the Governor's salary does),

7. Lump sum vacation pay, any form of termination pay and additional compensation paid in anticipation of retirement would no longer be included in a member's final average salary,

8. Service credit for unused sick leave time would no longer be granted,

9. Twelve year vesting.

If this bill is enacted, NYSLRS would calculate new plan rates for all ERS members who first enter on or after July 1, 2011. The long term expected annual employer contribution rate for new general members would be approximately 3.6% as compared to the current expected long term annual employer contribution rate for Tier 5 general members of approximately 8.7% of payroll. For fiscal year ending March 31, 2012, since the average Tier 5 employer contribution rate is approximately 12.6%, the new plan rate would be approximately 7.5%.

For ERS members in 20 or 25 year retirement plans that allow retirement without regard to age, the long term reductions from the Tier 5 billing rates would vary by plan and be approximately 4% to 5% of salary, with the fiscal year ending March 31, 2012 reductions averaging approximately 5.5% to 7.0% of salary.

Insofar as this bill would affect the New York State and Local Police and Fire Retirement System (PFRS), the significant design changes to the defined benefit plan include:

1. Employee contributions of 6% of pay for all years of service, except members enrolled in a plan that limits the amount of creditable service which may be accrued would not be required to contribute after accruing the maximum amount of creditable service under such plan,
2. Final average salary (FAS) would be based on a 5 year average, with no year's salary permitted to exceed 8% of the average of the previous 4 year's salary,
3. Annual overtime paid at a rate greater than the standard rate of pay would not be included in the definition of wages and final average salary,
4. Reportable salary may not exceed the salary of the Governor of the state of New York, which currently is set in law to be \$179,000 (the reportable salary would change when the Governor's salary does),
5. Any form of termination pay and additional compensation paid in anticipation of retirement would no longer be included in a member's final average salary,
6. Members in regular plans (where retirement eligibility requires the attainment of a certain age as well as the accumulation of a certain amount of service credit) must attain age 65 before they may receive a service retirement benefit,
7. Service credit for unused sick leave time would no longer be granted,
8. Twelve year vesting.

The long term expected annual employer contribution rates for all PFRS members who first enter on or after July 1, 2011 would change as follows:

- minus 5.0% for municipal 20 year plans with additional 60ths,
- minus 5.7% for the state 20 year plan with additional 60ths,
- minus 4.8% for 20 year plans,
- minus 2.0 to minus 4.0% for regular plans to 25 year plans with add'l 60ths.

(For example, the long term expected employer contribution rate for a member covered by 384-e [municipal 20 year plan with additional 60ths] with employee contributions will decrease from 14.7% to 9.7%.)

There would also be additional administrative costs to inform employers and new members of the new plan provisions and to modify automated systems.

This estimate, dated June 2, 2011, and intended for use only during the 2011 Legislative Session, is Fiscal Note No. 2011-199, prepared by the Actuary for the ERS and PFRS.

**FISCAL NOTE.--Pursuant to Legislative Law, Section 50:**

This bill would amend various sections of the Education Law, the Retirement and Social Security Law, and the Administrative Code of the City of New York to implement a new retirement benefit structure (Tier 6) for members who first join a public retirement system of the state or New York City on or after July 1, 2011. The following provisions are with respect to members of the New York State Teachers' Retirement System. Members would be eligible for a service retirement benefit after rendering a minimum of twelve years of credited service and attainment of age 65. Members would not be permitted to receive a service or vested retirement benefit prior to the attainment of age 65. The service

retirement benefit formula for years of service up to 30 would be equal to one-sixtieth of final average salary times years of service. Years of service above 30 would have a benefit multiplier of 1.5%. Final average salary would be determined as the average of the highest five consecutive years of salary. Salary in excess of eight percent over the average of the four previous years would not be included in the final average salary. Members would be required to contribute six percent of annual salary for all years of service.

The current required employer contribution rate for the New York State Teachers' Retirement System is 8.62% of pay, applicable to 7/1/10-6/30/11 member salaries and to be collected in the fall of 2011. This rate is projected to increase to 11.11% for the 7/1/11-6/30/12 fiscal year. This rate is applicable to the salaries of all members, regardless of tier. In that this proposed benefit structure is only applicable to members joining on or after July 1, 2011, it will be several years before it has a noticeable impact on the employer contribution rate. The cost savings impact of this change will become more significant with time as the number of post-7/1/11 members grows as a percentage of the total membership.

Our "new entrant rate", a hypothetical employer contribution rate that would occur if we started a new Retirement System without any assets, is equal to 12.1% of pay under the Tier 4 benefit structure and 8.8% of pay under the Tier 5 benefit structure. This can be thought of as the long-term expected cost of the benefit structure, based on current actuarial assumptions. For the proposed Tier 6 benefit structure, this new entrant rate would be equal to 3.4% of pay.

With respect to the breakdown of the total plan cost into employer and employee portions, the long-term expected total cost of the benefit



structure for Tier 4 breaks down approximately as 90/10 employer/employee, for Tier 5 the split is 72/28 employer/employee, and for the Tier 6 benefit structure proposed here the split would be 36/64 employer/employee, based on current actuarial assumptions. Of course the employee contribution rate is fixed, while the employer contribution rate is variable as employers are responsible for overall funding and assume all risks and benefits associated with investment performance and demographic experience. The actual employer cost in a given year could be higher or lower than the cost projected above depending on how actual investment returns and demographic experience differ from what is projected.

The source of this estimate is Fiscal Note 2011-50 dated June 2, 2011 prepared by the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2011 Legislative Session.